

URBAN/MUNICIPAL
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AGENDA / MINUTES OF
THE PLANNING AND
DEVELOPMENT COMMITTEE
AUG. 25. 1993 -

URBAN/MUNICIPAL
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1993 August 17

NOTICE OF MEETING

URBAN MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE

AUG 1993

Wednesday, 1993 August 25

GOVERNMENT DOCUMENTS

9:30 o'clock a.m.

Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

1. Zoning Application 93-20, Mr. & Mrs. Trikas, owner, for a change in zoning from "C" District to "G-4" District, for lands located at Nos. 952-954 Concession Street; Raleigh Neighbourhood
2. Zoning Application 93-14, 800064 Ontario Inc. (A. DiSilvestro), owner, for changes in zoning for lands located in the area west of Garth Street and south of Claudette Gate; Falkirk East Neighbourhood
3. Zoning Application 93-18, 304 Victoria Avenue North Holding Ltd. (Dr. N. Gagic, President), owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District, for property located at No. 304 Victoria Avenue North; Landsdale Neighbourhood
 - (a) Submission: Bernard & Kim Ryan, 311 East Avenue North, Hamilton L8L 5J6



10:00 O'CLOCK A.M.

4. REQUEST FOR EXEMPTION TO CITY INITIATIVE 93-A BY-LAW

Mark A. Scholes - North side of Rymal Road East between Upper Wentworth and Upper Sherman Streets

5. REFERRAL FROM COUNCIL: REPORT FROM DIRECTOR OF PUBLIC WORKS

Commercial Improvement Programme - Approval of B.I.A. Requests for 1993 and Deferral of Remaining Funds

6. CN STATION CITIZENS ADVISORY COMMITTEE

Statement of Interest

7. COMMISSIONER OF PLANNING AND DEVELOPMENT

Parking Lots in Central Area - Authorization to Hold Public Meeting

8. BUILDING COMMISSIONER

Demolition Permit - 105 Park Street North

9. CONSENT AGENDA

10. OTHER BUSINESS

11. ADJOURNMENT.



PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	ZA-93-01 - 1011 Queenston Road	1993 April 21	Applicant	Tabled on request of Applicant

Tina Agnello, Secretary
1993 August 18



1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 9
ZAC-93-20
Raleigh Neighbourhood

RECEIVED

AUG 17 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - 952-954 Concession Street

RECOMMENDATION:

That approval be given to amended Zoning Application 93-20, Mr. and Mrs. M. Trikas, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit additional commercial uses, on lands known as 952-954 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Section 1 of By-law No. 92-032 applicable to the subject lands be repealed in its entirety.
- ii) That Section 3 of By-law No. 92-032 applicable to the subject lands be amended by removing the words "'C' District and" in the third line, and remove the "s" at the end of the word "sections", and "1 and" in the fourth line, so that this Section will now read as follows:

"No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 2."

- iii) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District.

- iv) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) Notwithstanding Section 13D(1), the uses shall be permitted within the existing building only;
 - b) Notwithstanding Section 13D(1)(B), the following additional commercial uses shall be permitted within the existing building only:
 - a business or professional person's office;
 - a judo/karate club;
 - a video store;
 - a florist;
 - a drapery and blinds store;
 - a pet store; and,
 - a self-service laundry.
 - c) Notwithstanding Section 13D(1)(B), the following commercial uses shall be prohibited:
 - a restaurant or refreshment room;
 - an outdoor patio; and,
 - a gun shop.
 - d) Section 18A(27) of By-law No. 6593 shall not apply.
- v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1214a, and the subject lands on Zoning District Map E-35 be notated S-1214a;
- vi) The City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District, for property located at 952-954 Concession Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is:

- to allow the uses to be permitted within existing building only;
- to allow, in addition to the permitted uses within the "G-4" (Designed Neighbourhood Shopping Area) District, the following additional commercial uses within the existing building only:
 - a business or professional person's office;
 - a judo/karate club;
 - a video store;
 - a florist;
 - a drapery and blinds store;
 - a pet store; and,
 - a self-service laundry.
- to prohibit the following uses:
 - a restaurant or refreshment room;
 - an outdoor patio; and,
 - a gun shop.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

Victor J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- **Proposal**

The applicant is seeking a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to allow, in addition to the uses permitted within the "G-4" District, the following commercial uses: a business or professional person's office; a video store; a drapery and blinds store; a pet store; a florist; a self-service laundry; a judo/karate club; and, a restaurant with a maximum seating capacity of 25 persons. All these uses, with the exception of the business office, judo/karate club and restaurant with a 25 person maximum seating capacity, are currently permitted under the present "C" (Urban Protected Residential, etc.) District modified, zoning.

- **By-law No. 92-032 (ZA-90-69)**

City Council, on January 14, 1992, passed By-law No. 92-032 (APPENDIX "B") which modified the established "C" (Urban Protected Residential, etc.) District for the subject lands to permit the following commercial uses: medical and dental offices; professional offices; photographers's studio; barber shop/hair dresser; variety store; drug store; video store; retail delicatessen; florist; dry cleaning depot; drapery and blinds store; pet store; grocery store; self-service laundry; and, retail bakery. This by-law also modified the existing "G-3" (Public Parking Lots) District for adjacent lands to the west (also owned by the applicant) to: permit access via the alley to the rear to the parking area; require a visual barrier and a landscaped planting strip along the southerly and westerly lot lines.

- Site Plan Control Application DA-91-26

A Site Plan was approved for the "G-3" (Public Parking Lots) District land, adjacent to the west of the subject lands, on June 19, 1991. Approval of By-law No 92-032 was conditional upon the by-law not being forwarded to Council for approval until the applicant had applied for and received site plan approval.

- Previous Background Information

The Building Department records indicate that this property was originally used as a legal non-conforming office for plumbing and household appliances and a legal non-conforming beauty salon. Because the building originally had two legal non-conforming businesses, only two businesses were permitted in the building at any one time. However, there have been six successful applications made to the Committee of Adjustment to replace the existing legal non-conforming uses with other uses. The following uses have been permitted in this building over the past thirty years (maximum of two at any one time): office for plumbing and household appliances; bicycle repair and sales; drapery outlet and associated office space; beauty salon; catering business; foodstuff and take-out service; restaurant (maximum seating capacity of 25); and a pet food and grooming store.

- By-law No. 67-324

City Council, on November 28, 1967, passed By-law 67-324 which rezoned the adjacent lands to the west (owned by the applicant) from "C" (Urban protected Residential, etc.) District to "G-3" (Public Parking Lots) District.

LOT SIZE AND AREA:

The subject property has:

- 14.33 m (47 feet) of lot frontage on Concession Street;
- 30.48 m (100 feet) of lot frontage on Upper Gage Avenue; and,
- 436.78 m² (4,701. 6 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	variety store and vacant retail space	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Mountain Drive Park	"A" (Conservation, Open Space, Park and Recreation) District
to the south, west and east	single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, for which the following policies are noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services."

The subject lands are also located within Special Policy Area 1b, - Niagara Escarpment. The following should be noted:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

A.2.9.1.2 It is intended that development within Area '1b' will be subject to Site Plan Control. In the interim, the issuance of development permits from the NIAGARA ESCARPMENT Commission will be required until that time when the City is delegated this responsibility."

The uses proposed for the existing building are considered to be local commercial uses. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no plan for the Raleigh Neighbourhood.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection to the proposal.
- The Building Department advises:
 - "1. The present By-law 93-032 permits ten (10) of the uses listed in a "G-4" district plus additional uses not specified.
 2. One use not included under the present by-law is a sign. The signs permitted in a "G-4" district have specific provisions that shall also be considered.
 3. A restaurant use has restrictions that shall be included."
- The Traffic Department advises:

"...please be advised that we have reviewed the above application and find the change in zoning satisfactory with one recommendation.

The previously approved by-law No. 92-032 permits access via the alley at the rear of Block 1 to the parking area (Block 2). However, the By-law also calls for a landscaped planting strip to be maintained along the southerly lot line as a special requirement which would seem to preclude any access. We therefore recommend that the By-law be rewritten to allow for an opening in the required landscaped strip to allow for access."
- The Roads Department advises:

"Our previous comments on ZA-90-69 are still applicable to this application and must be included in the approval of this application. A copy of the letter dated December 17, 1990, is attached.

The Board fence adjacent to the public unassumed alley to the rear of the subject lands should be setback a minimum of 3.0m (preferably 5.0m) from the Upper Gage Avenue road allowance limits for motorist sight line requirements entering the street from the alley."

The December 17, 1990, letter states:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The existing road allowance widths of Upper Gage Avenue and Concession Street is 20.12m. The applicant should be advised of a possible future road widening consisting of a 7.62m x 7.62m maximum daylight triangle at the southwest corner of Concession Street and Upper Gage Avenue to improve the turning radius. Should the existing building be demolished, we recommend that these lands be developed through site plan control and that the daylight triangle be dedicated to the region as a condition of site plan approval.

It would appear from our records that the existing fence adjacent to the G-3 Parking lot encroaches into the Concession Street road allowance. Any fence should be on private property only and should be no higher than 0.6m adjacent to Concession Street or within 3 to 5 m of the Concession Street road allowance.

Comments from the City of Hamilton Traffic Department with respect to access, setback, parking, maneuvering etc. should be considered."

- **The Niagara Escarpment Commission advises:**

"Please be advised that the Niagara Escarpment Commission would not object to the above-noted Proposed Zoning By-law Amendment.

It is the Niagara Escarpment Commission's understanding that his proposed zoning by-law amendment would permit additional uses to the existing structure, which is not intended to be modified externally. However, due to the close proximity of this property to the escarpment brow the Niagara Escarpment Commission would request that any illuminated signage be of a limited size (not greater than the height of the existing building).

...THIS IS A STAFF COMMENT ONLY."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal to permit additional commercial uses on the subject lands has merit in principle on the following basis:
 - it does not conflict with the intent of the Official Plan;

- it is suitably located at the intersection of two major roads (Upper Gage Avenue and Concession Street);
- the proposed uses are no less feasible than the existing uses and various uses approved by the previous zoning application and the Committee of Adjustment. The historical use of this building has been for commercial purposes and the additional commercial uses would not alter the character of the neighbourhood; and,
- the "G-4" (Designed Neighbourhood Shopping Area) District is intended to be applied to local commercial uses located within residential neighbourhoods. In this regard, the permitted uses and other regulations are sensitive to low density residential development. Further, the present "C" (Urban Protected Residential, etc.) District modified, zoning is based on the "G-4" (Designed Neighbourhood Shopping Area) District regulations.

However, the applicant's proposal includes a restaurant having a maximum seating capacity of 25 persons. Although a restaurant use was previously established on the site and approved by the Committee of Adjustment (A-87:12), staff have concerns with its re-introduction. More specifically, a restaurant is considered to be a high traffic generator, and the subject lands are adjacent to existing single-family development. The potential spillover effects from a restaurant include: noise, traffic, litter, amongst others, which may negatively impact on the adjacent residential neighbourhood. On this basis, the requested restaurant use cannot be supported.

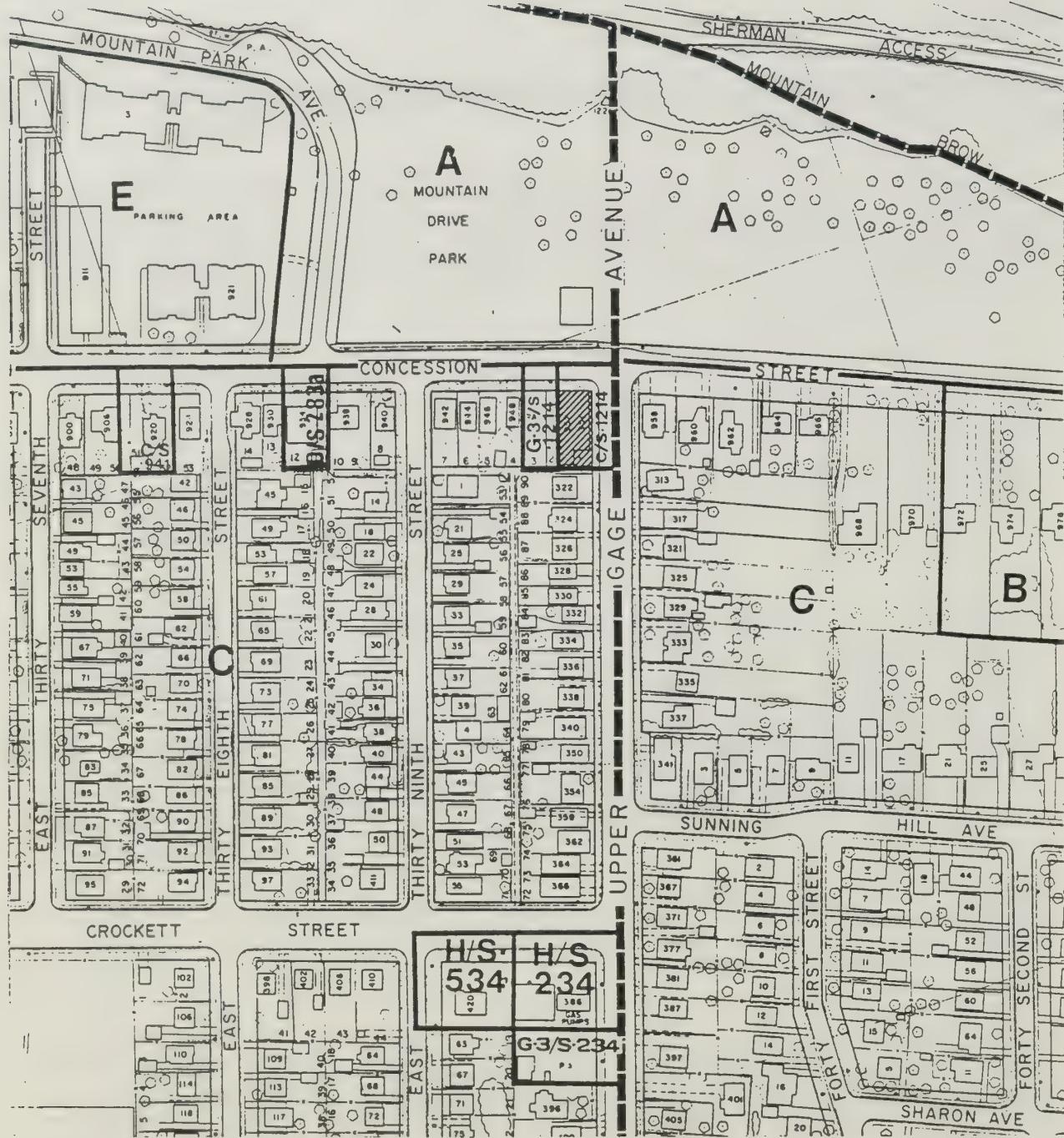
Should the Committee consider approving the requested restaurant use, it would be appropriate to restrict it to a maximum capacity of 25 persons, and to exclude an outdoor patio.

3. The Traffic Department's comments with respect to the existing by-law are noted. However, the wording of By-law No. 92-032 does not specifically exclude access driveways. Further, as noted in the Background, the subject lands were subject to a Site Plan Control application which provides for access from the alley. On this basis, no change to By-law 92-032 is required.
4. The Niagara Escarpment Commission's concerns regarding signage can be addressed under the regulations for signs of the "G-4" (Designed Neighbourhood Shopping Area) District.

CONCLUSION:

Based on the foregoing, the amended application can be supported with the exception of a restaurant and outdoor patio use.

CLF/
ZAC-93-20



The Corporation of the City of Hamilton

BY-LAW NO. 92- 032

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 952 AND 954 CONCESSION STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS the special condition relating to this rezoning, referred to in Section 33(b) of the 1st Report of the Planning and Development Committee adopted by City Council on the 29th day of January 1991, has been satisfied.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the land comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

(a) notwithstanding Section 9(1) of By-law No. 6593, the following Commercial Uses shall be permitted within the existing building only,

1. Offices for medical or dental practitioners;
2. Professional person's office;
3. Photographer's studio;
4. Barbershop or hairdressing establishment;
5. A confectionary store;
6. Retail drugstore;
7. Video store;
8. Retail delicatessen store;
9. Florist;
10. A collecting and distributing station for a laundry or a dry-cleaning establishment;
11. Drapery and Blinds Store;
12. Pet Store;
13. Retail grocery store;
14. Self-Service Laundry;
15. Retail bakery;

(b) Section 18A(27) of By-law No. 6593 shall not apply.

2. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the land comprised in Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) Section 13C(3)(i) of By-law No. 6593 shall not apply;
- (b) notwithstanding Section 13C(3)(ii) of By-law No. 6593, a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines;
- (c) notwithstanding Section 13C(3)(iii) of By-law No. 6593, a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District and "G-3" District provisions, subject to the special requirements referred to in sections 1 and 2.

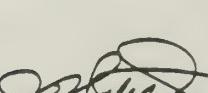
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1214.

5. Sheet No. E-35 of the District Maps is amended by marking the lands referred to in sections 1 and 2 of this by-law, S-1214.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this 14th day of January

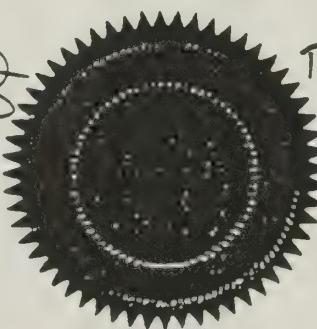
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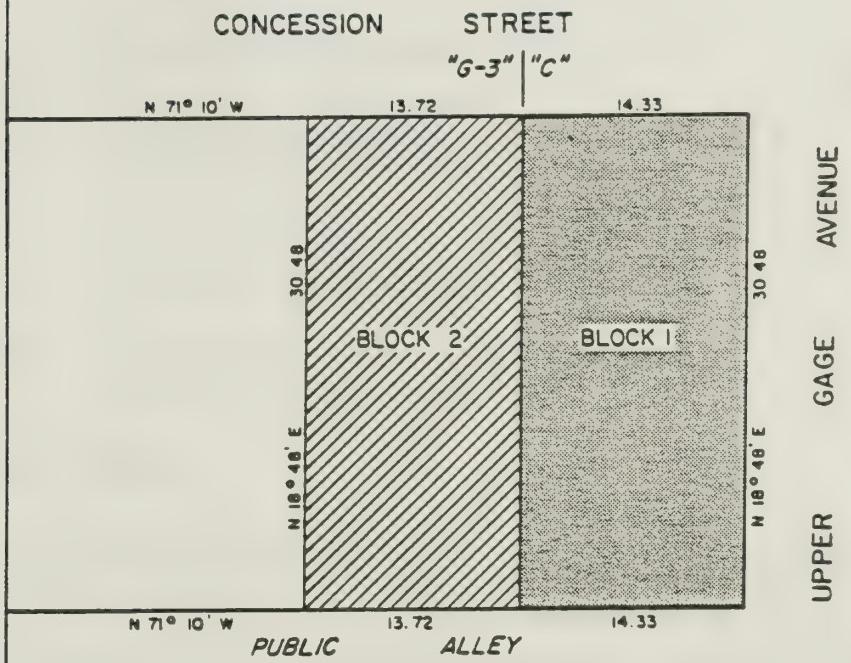


City Clerk



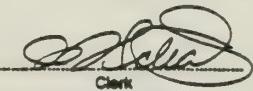
Mayor





NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-032
Passed the 14th day of January, 1992


Clerk


Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-032..

to Amend By-Law No. 6593

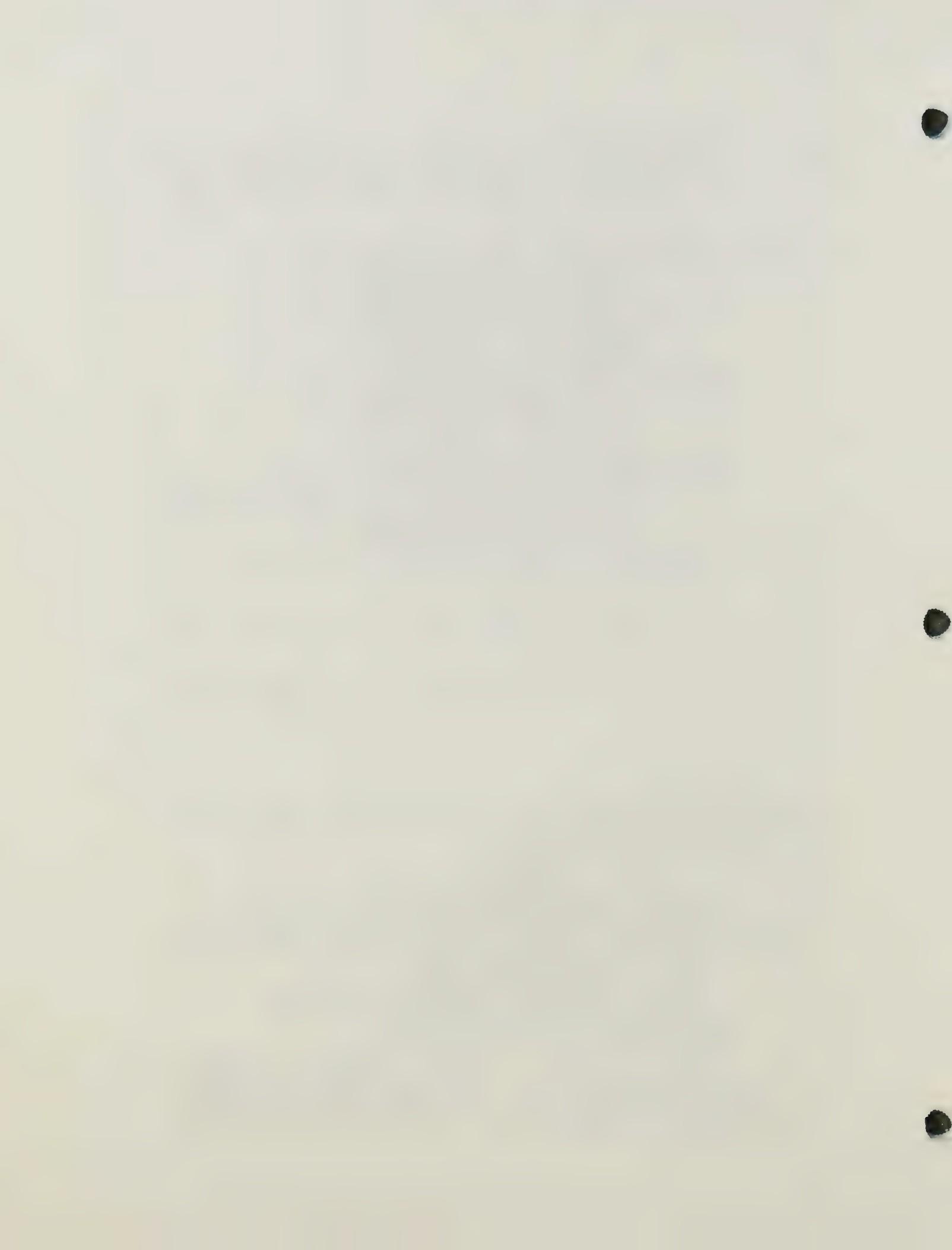
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 92-032

North	Scale NOT TO SCALE	Reference File No. ZA 90-69
	Date JANUARY, 1992	Drawn By L.B.



2 .

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 03, 1993
ZAC-93-14
Falkirk East Neighbourhood

RECEIVED

AUG 17 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - Lands located in the area west of Garth Street and south of Claudette Gate.

RECOMMENDATION:

That Zoning Application ZAC-93-14, 800064 Ontario Inc. (A. DiSilvestro), owner, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and "DE-2" (Multiple Dwellings) District, modified (Block "2"), and from "C" (Urban Protected Residential, etc.) District, modified, to "R-4" (Small Lot Single-Family Detached) District (Block "3") to permit future small lot single-family detached dwellings (Blocks "1" and "3"), and a future co-operative townhouse development including a community centre building having an area of approximately 93 m² (1000.0 sq. ft.) containing a meeting room, office, laundry room, washrooms and a storage room (Block "2"), for property located in the area west of Garth Street and south of Claudette Gate, as shown on the attached map marked as Appendix "A", be DENIED for the following reasons:

- i) The proposal would provide for an indiscriminate mix of housing types, styles and densities;
- ii) The proposal to establish townhouses on Block "2" conflicts with the intent of the approved Falkirk East Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL" use;
- iii) Approval of the proposed townhouse development on Block "2" represents an overintensification of use, and would result in an over-concentration of townhouses along the west side of Garth Street between Stone Church Road and Gisele Drive (see Appendix "C").

J. Thoms

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- **Proposal**

The purpose of the proposed changes and modifications to the established zoning is to permit development of Blocks "1" and "3" for future "small lot" single-family detached dwellings (38 lots), and for a future co-operative townhouse development (approximately 42 units) including a community centre building having an area of approximately 93 m² (1000.0 sq. ft.) containing a meeting room, office, laundry room, washrooms and a storage room on Block "2" (see Appendix "A").

- **By-law 90-311**

City Council at its meeting held on November 13, 1990, passed By-law No. 90-311 which rezoned, among other lands, the subject lands from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, from "B-2" (Suburban Agriculture and Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc. - Holding) District, modified (see Appendix "B"). The purpose of the By-law is to permit development of the subject lands in conjunction with a draft plan of subdivision for single-family dwellings, and a small lot single-family dwelling. The 'H' (Holding) symbol was placed on the lands pending the availability of full municipal services. By-law 90-311 came into effect on December 18, 1990.

- **By-law 92-165**

City Council at its meeting held on June 30, 1992, passed By-law 92-165 to remove the 'H' (Holding) Symbol from, among other lands, the subject lands. The holding provision was placed on the subject lands until such time as municipal sewers were available. In this regard, the Hamilton-Wentworth Roads Department advised that separate storm and sanitary sewers were available to service the subject lands, and by the passing of By-law 92-165 gave effect to By-law 90-311.

APPLICANT:

800064 Ontario Inc. (A. DiSilvestro), owner.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 110.0 m (360.82 ft.) of frontage on Garth Street;
- 220.0 m (721.78 ft.) of lot depth; and
- approximately 3.44 ha (8.5 ac) of lot area.

LAND USE AND ZONING:

	<u>Existing Zoning</u>	<u>Existing Land Use</u>
<u>Subject lands</u>	vacant	"C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	single-family dwellings and townhouses	"B-2" (Suburban Agriculture and Residential, etc.) District and "RT-20" (Townhouse and Maisonette) District, modified
to the south	vacant	"R-4" (Small Lot Single-Family Detached) District and "RT-20" (Townhouse and Maisonette) District, modified
to the east	church	"AA" (Agricultural) District
to the west	vacant and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of the present and future residents. Accordingly, Council will:
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
 - vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;

- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwellings of dwelling forms and housing options accessible to all Hamilton residents;

- A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3."

The proposal conflicts with the intent of Policies C.7.2. and C.7.3. v) and ix), of the Official Plan in that it involves an indiscriminate mix of housing types, styles and densities. However, an Official Plan Amendment would not be required. With regard to the proposed "Community Centre", assuming that the site is less than .4 hectares in size, it would not conflict with policies A.2.1.3 ii) and A.2.6.1, of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Falkirk East Neighbourhood Plan. Approval of the application would require a redesignation of Block "2" to "ATTACHED HOUSING."

COMMENTS RECEIVED:

- The Building Department and the Hamilton Region Conservation Authority have no comments or objections:

- The Traffic Department has advised that:

"..we would be opposed to any street townhouses in the DE-2 District having frontage on Garth Street".

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. Internal servicing will be dealt with under the plan of subdivision for Claudette Gardens.

All our previous comments (copy attached) on Claudette Gardens draft plan of subdivision with respect to roadway alignment and construction, road widenings and daylight triangles at intersections and L-shaped roads, access etc. are still applicable to this application and must be included in the development approval of this subdivision.

The Claudette Gardens draft plan of subdivision must be revised to reflect any changes to the zoning or lot lines. These plans must be submitted to our office for our review and approval.

We recommend that the lands to be rezoned to "DE-2" be placed under site plan control. At that time we will provide specific comments on access design and location, road grade of Garth Street, etc. As the applicant is aware, the road grade of Garth Street will change in the future and the development plans must conform to this grade change. Included in this site plan agreement will be the requirement that the owner enter into appropriate agreements with the City/Region for all servicing costs on Garth Street and the servicing costs/establishment of Claudette Gate.

We recommend that the lands to be rezoned to "R-4" be developed through a satisfactory plan of subdivision at which time further comments on this development will be submitted."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, an Official Plan Amendment would not be required.
2. The proposal does not comply with the intent of the approved Falkirk East Neighbourhood Plan. Approval of the application would require redesignation from "SINGLE and DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" for Block "2".
3. The proposal cannot be supported for the following reasons:
 - i) Although an Official Plan Amendment would not be required, it conflicts with the intent of the Plan, in that it provides for an indiscriminate mix of housing types, styles and densities. In this regard, the Draft Approved Plan of Subdivision provides for a transition between the adjoining "B-2" District (large lot single-family detached dwellings) and the "C" District (single-family detached dwellings), whereas, the proposal would result in the establishment of "R-4" (Small Lot Single-Family Detached) District lots next to a "B-2" District (large lot single-family dwellings). Furthermore, it would result in an over-concentration of townhouses along the west side of Garth Street between Stone Church Road West and Gisele Drive (see Appendix "C") creating a canyon effect on the streetscape. Furthermore, it should be noted that provision has been made for townhouse development along the east side of Garth Street in this area;
 - ii) The proposal to establish townhouses on Block "2" conflicts with the intent of the approved Falkirk East Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL" use;

- iii) The proposal to permit townhouse development on Block "2" represents an overintensification of use, in that it would yield almost twice the density proposed by the Falkirk East Neighbourhood Plan for this block of land (approximately 42 townhouse units vs only 22 single-family dwelling units provided by the Draft Approved Plan of Subdivision). Furthermore, it is noted that at the time the previous zoning application/draft plan of subdivision (ZA-90-09 - 25T-90001) was approved, the Falkirk East Neighbourhood Plan designated the entire subdivision site "**SINGLE and DOUBLE RESIDENTIAL**" (see Appendix "D"). However, as a result of negotiations with the applicant, the plan was amended by redesignating the townhouse block immediately to the south of Block "2" from "**SINGLE AND DOUBLE RESIDENTIAL**" to "**ATTACHED HOUSING**" providing for increased density at that time.
4. The following is a comparison of densities for the approved development and that currently proposed by the applicant:
- The Draft Approved Plan of Subdivision Claudette Gardens (25T - 90001) provides for a total of 129 single-family dwelling lots, 4 Blocks for future development with adjoining lands, 2 Blocks for road widenings and daylight triangles, and one Block for townhouse development (see Appendix "E").
 - 78 lots are proposed for conventional single-family dwellings ("C" District);
 - 51 lots are proposed for small lot single-family dwellings ("R-4" District); and
 - approximately 63 townhouse units ("RT-20" District).
 - The revised draft plan proposed by the applicant provides for a total of 111 single-family dwelling lots, 3 Blocks for future development with adjoining lands, 2 Blocks for road widenings and daylight triangles, and one Block for townhouse development (see Appendix "F").
 - 22 lots for conventional single-family dwellings ("C" District);
 - 89 lots for small lot single-family dwellings ("R-4" District) ; and
 - approximately 110 townhouse units ("DE-2" and "RT-20" Districts).

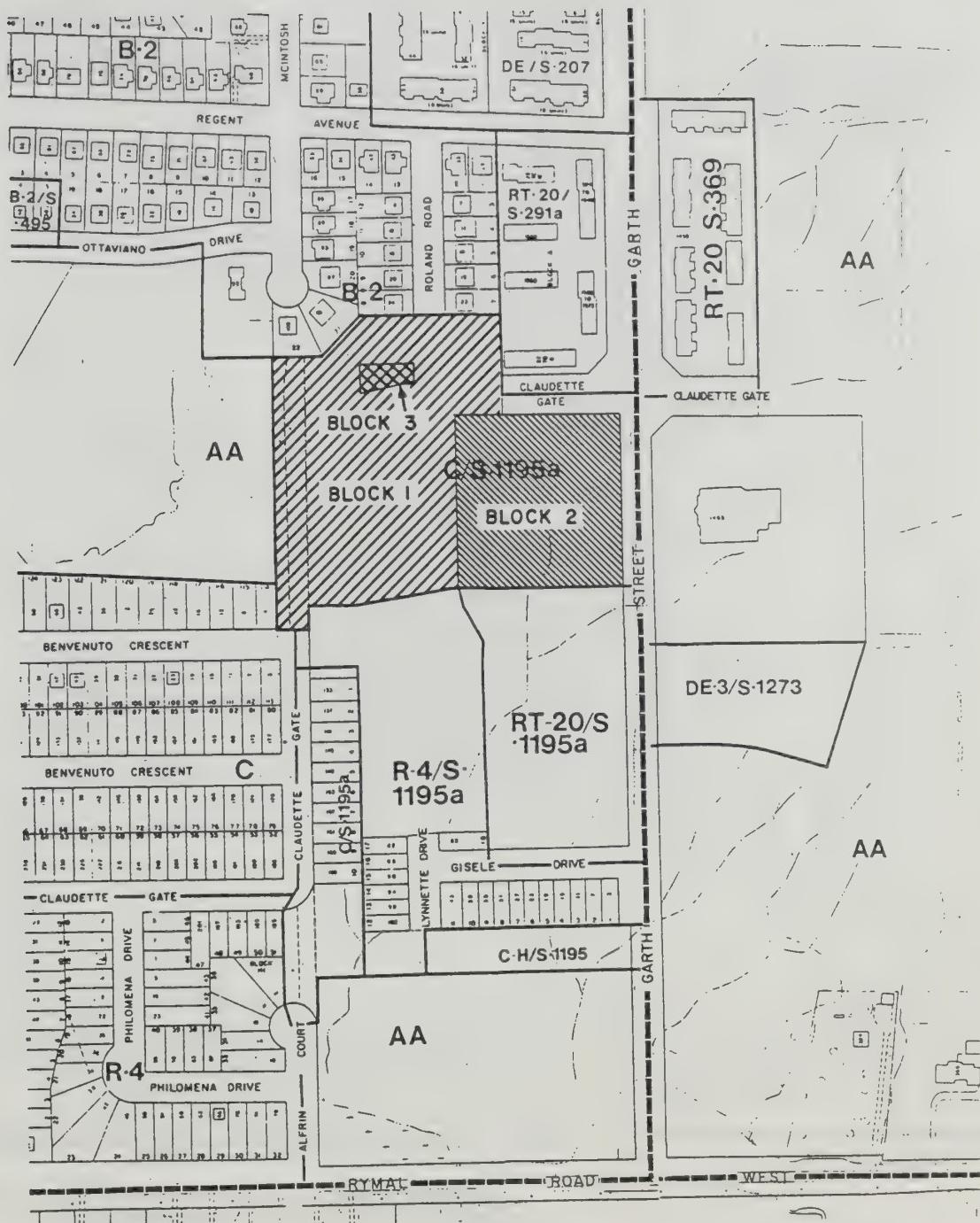
The revised draft plan provides for 29 more dwelling units (221 proposed vs 192 Draft Approved Plan) and, as such, represents an overintensification of use which cannot be supported. However, should this application be approved, it will require a "red line" revision to the Claudette Gardens Draft Approved Plan of Subdivision (Regional File 25T-90001).

However, an amended application could be considered which would provide for additional "R-4" (Small Lot Single-Family Detached) District lots for that part of Block "1" contiguous to Claudette Gate and the westerly portion of Block "2" as shown on APPENDIX "G". This would result in an addition of 6 lots over the established "C" (Urban Protected Residential, etc.) District zoning. Such a proposal would be consistent with the intent of the Official Plan and Neighbourhood Plan in that it would provide for a more appropriate range of housing types and densities while maintaining the "C" (Urban Protected Residential, etc.) District zoning for the lots fronting on the cul-de-sac.

CONCLUSION:

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration could be given to an amended application for partial "R-4" (Small Lot Single-Detached) District zoning.

GAW/WPZA9314

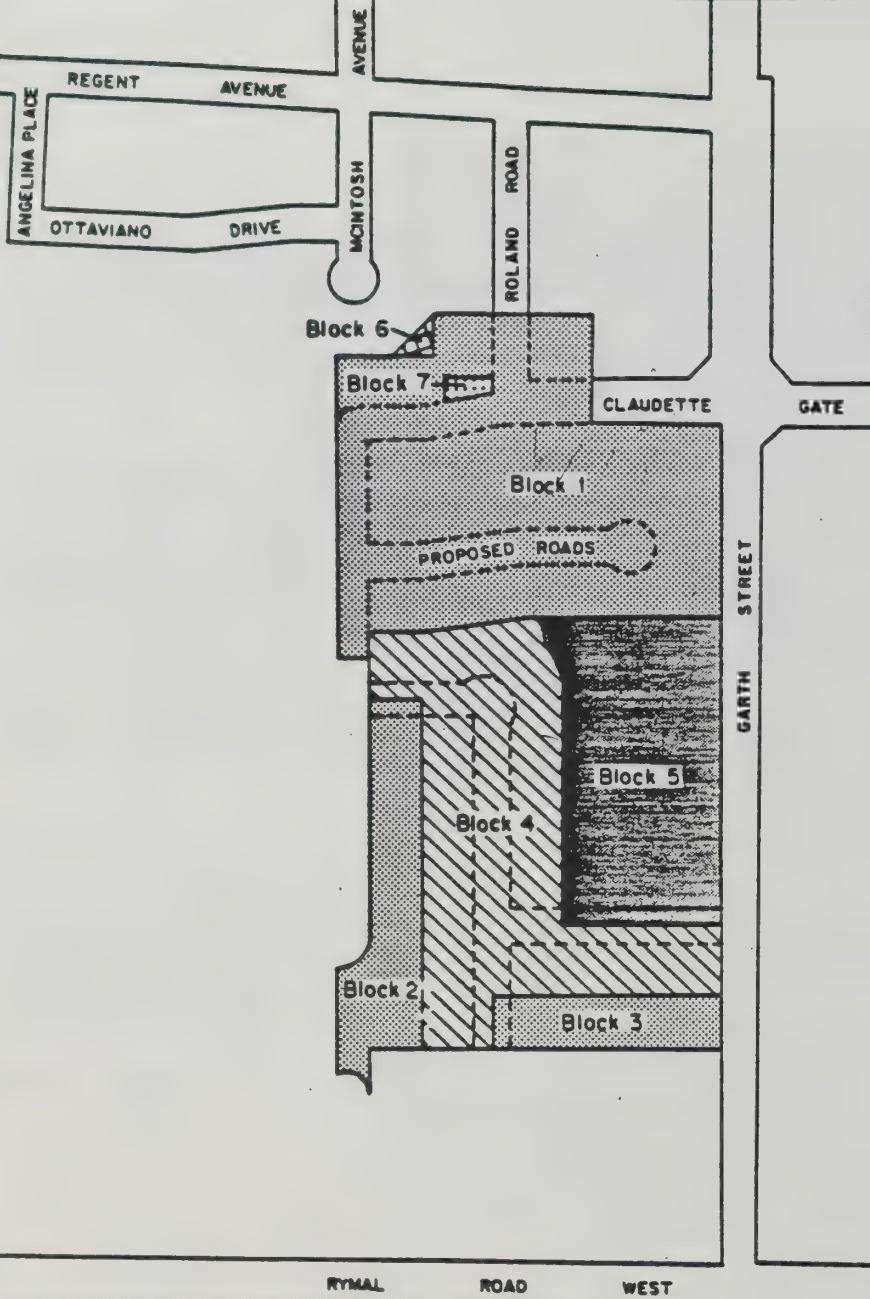


Legend

Proposed change in zoning from:

- BLOCK 1 [Hatched Box] "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.
- BLOCK 2 [Solid Grey Box] "C" (Urban Protected Residential, etc.) District to "DE-2" (Multiple Dwellings) District.
- BLOCK 3 [Cross-hatched Box] "C" (Urban Protected Residential, etc.) District, modified, to "R-4" (Small Lot Single-Family Detached) District.

ZAC 93-14



NOTE: All dimensions are in metres

City of Hamilton

Key Map

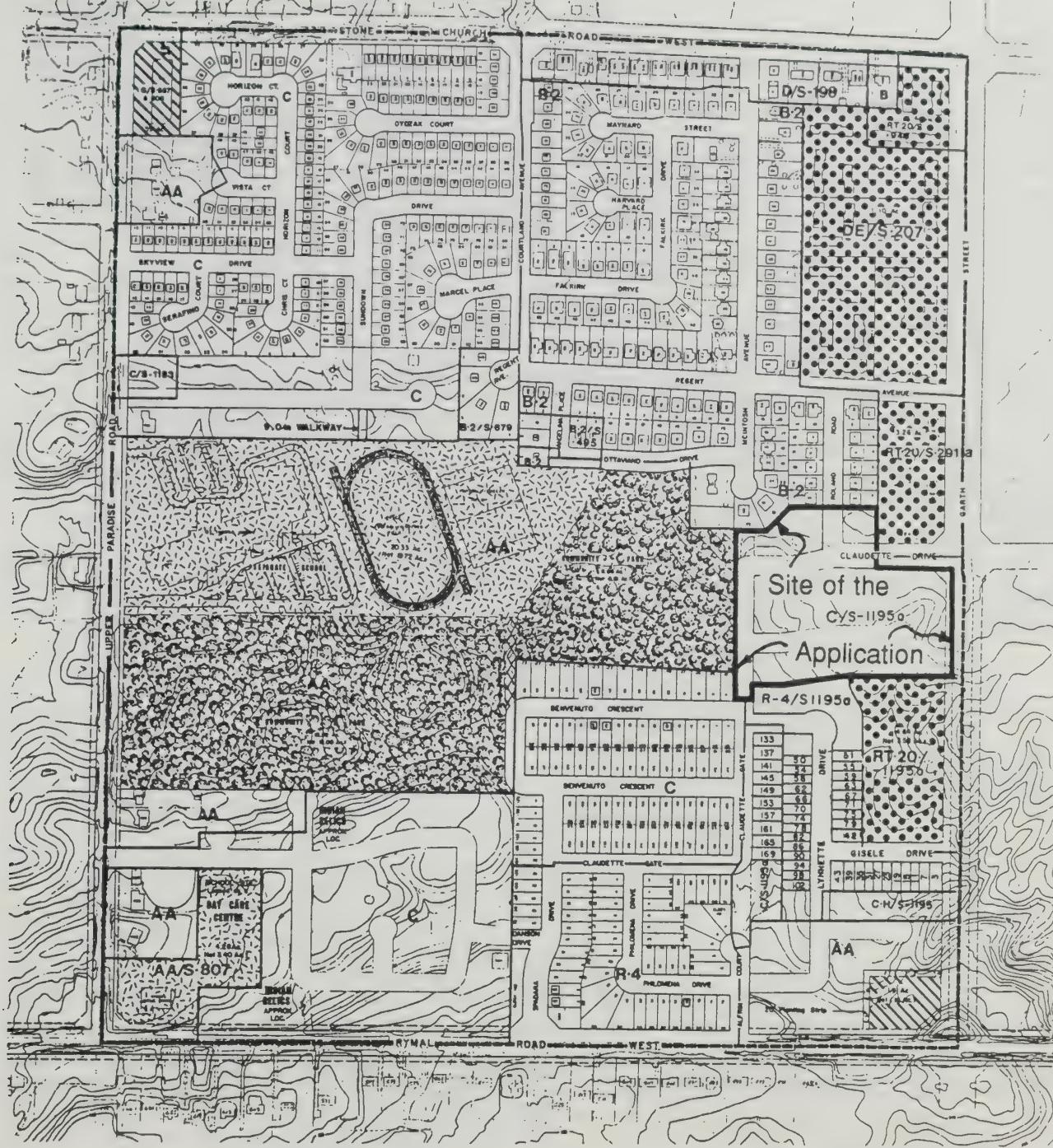
to By-Law No. 90-311...

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

- Blocks 1, 2 & 3** Change in zoning from "AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc.-Holding) District.
- Block 4** Change in zoning from "AA" (Agricultural) District to "R-4"- "H" (Small Lot Single-Family Detached-Holding) District.
- Block 5** Change in zoning from "AA" (Agricultural) District to "FT-20"- "H" (Townhouse-Maisonette-Holding) District.
- Block 6** Change in zoning from "B-2" (Suburban Residential) District to "C"- "H" (Urban Protected Residential, etc.-Holding) District.
- Block 7** Change in zoning from "AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc.-Holding) District, modified.

North	Scale NOT TO SCALE	Reference File No. ZA 90-09
	Date NOVEMBER, 1990	Drawn By L.B.



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

EXISTING POPULATION (1988) 1851

Neighbourhood Boundary
Zoning Boundary

APPENDIX C

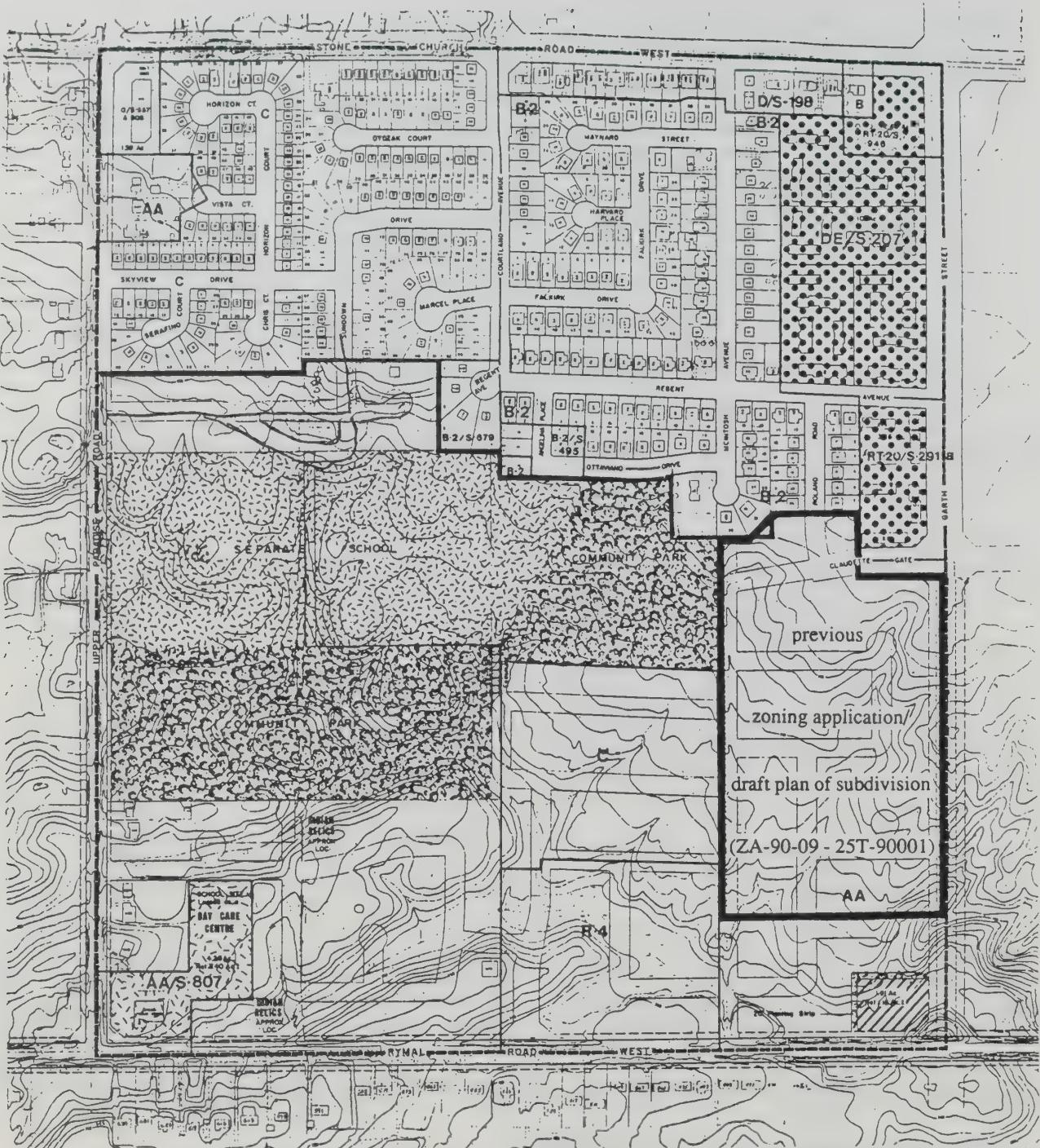
Approved
Planning Committee FEB. 27, 1985 Council MARCH 12, 1985

Latest Revision Date February 7, 1991

CITY OF HAMILTON
PLANNING DEPARTMENT

FALKIRK EAST
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- ▨ medium density apartments
- ▨ high density apartments
- ▨ commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

— Neighbourhood Boundary
— Zoning Boundary

APPENDIX D

Approvals

Planning Committee FEB 27, 1985 Council MARCH 12, 1985

Latest Revision Date MAY 9, 1985

CITY OF HAMILTON
PLANNING DEPARTMENT

FALKIRK EAST
APPROVED PLAN



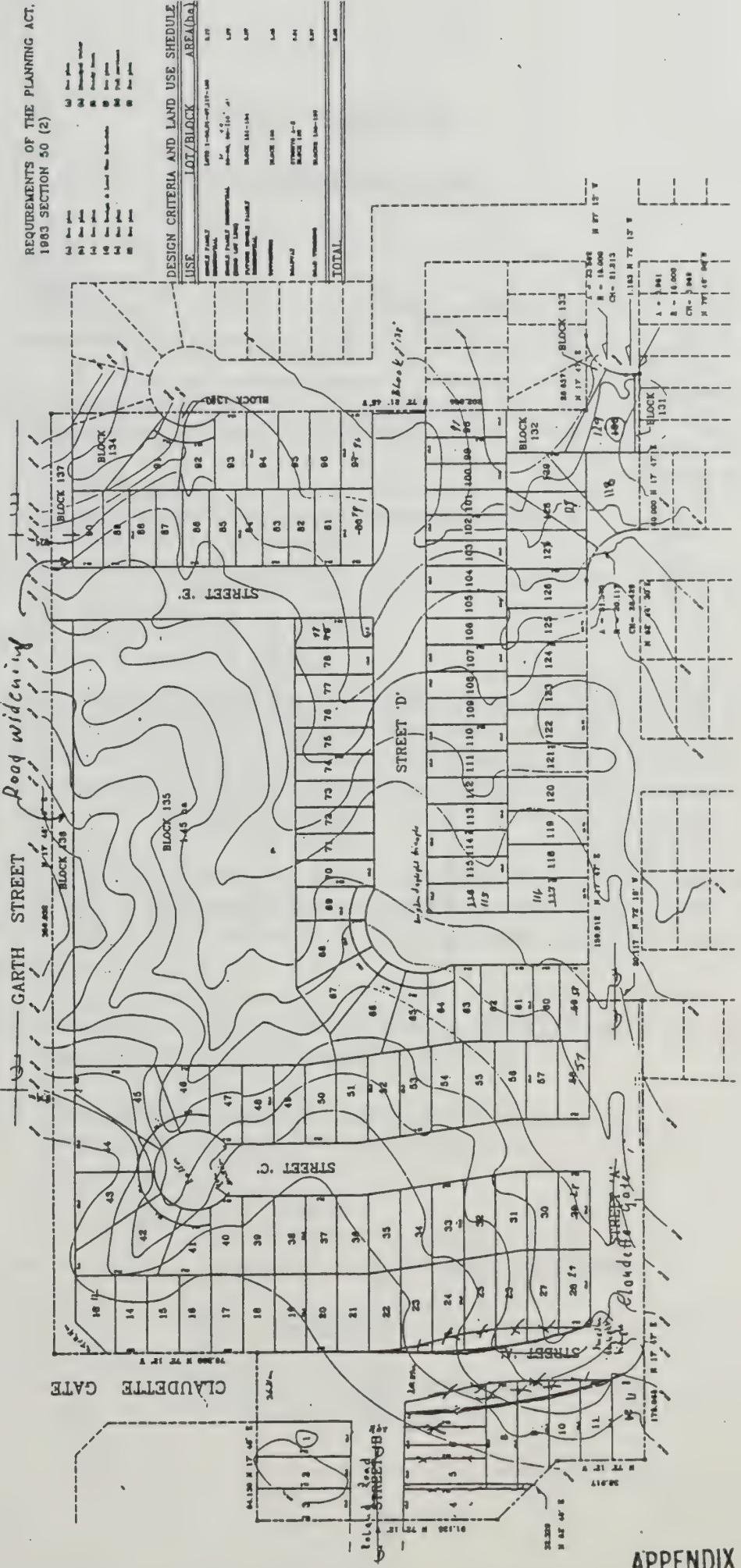
0 100 m
SCALE .50 m

CLAUDETTE GARDENS

DRAFT PLAN OF SUBDIVISION

BEING PART OF LOT 19, CONCESSION 6
FORMERLY IN THE TOWNSHIP OF BARTO.
NOW IN THE CITY OF HAMILTON.
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

REQUIREMENTS OF THE PLANNING ACT.
1983 SECTION 50 (2)

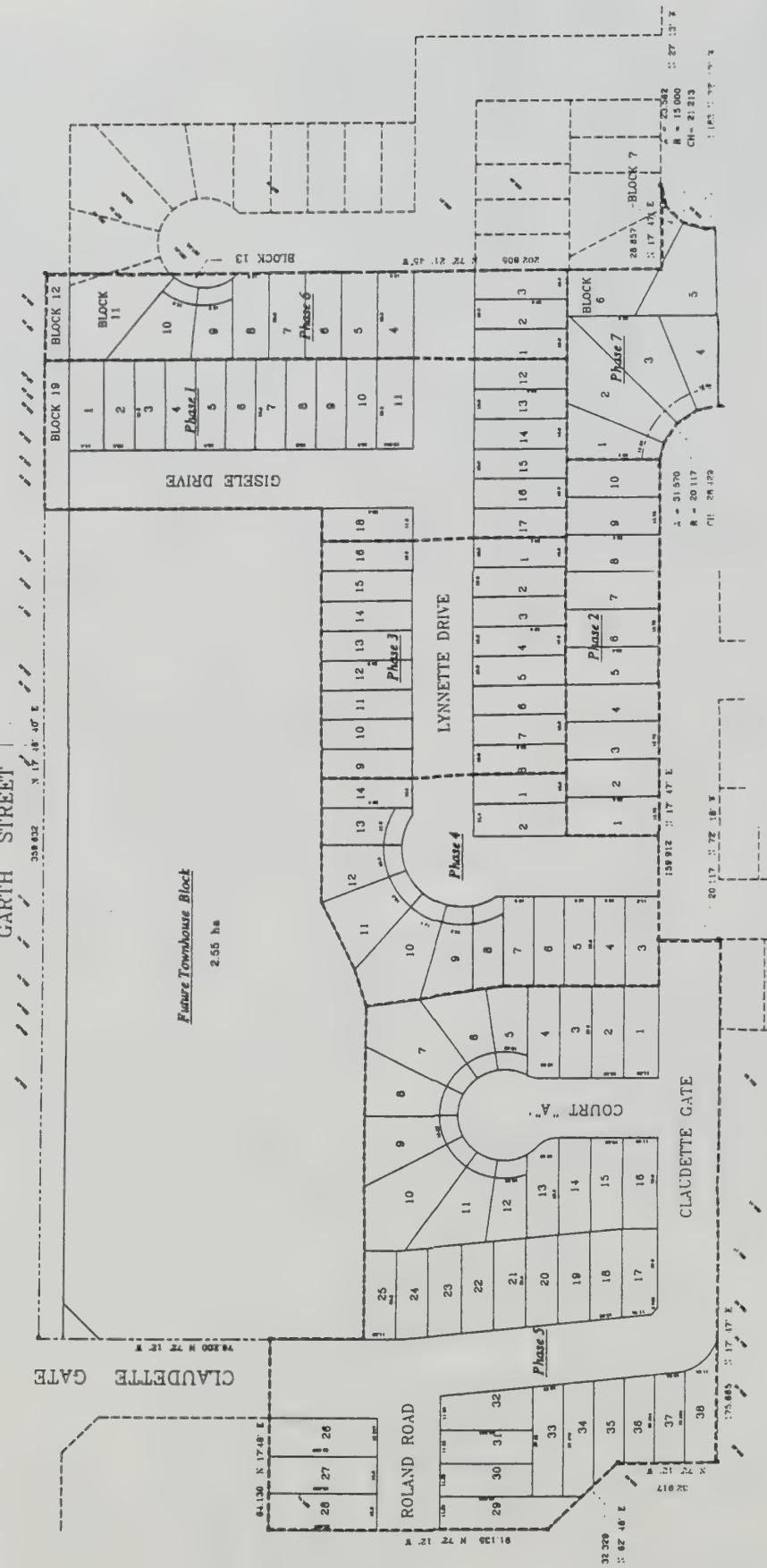


APPENDIX E

REVISIONS	BENCHMARK:	SCALES	DATE
		HORIZONTAL: 1 : 750	JUNE 14, 1980
		VERTICAL :	DRAWING NO.
	CLAUDETTE GARDENS		URBEX MANAGEMENT LTD.
			ONTARIO
			HAMILTON

757-9

CLAUDETTE GARDENS



3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 3
ZAC-93-18
Landsdale Neighbourhood

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

AUG 17 1993

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for a modification of zoning - 304 Victoria Avenue. N.

RECOMMENDATION:

That approval be given to Zoning Application 93-18, 304 Victoria Ave. N. Holdings Ltd., (Dr. N. Gagic, President), owner, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit an accessory coffee shop use to be located within the basement of the existing building, located at No. 304 Victoria Avenue North, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-Law No. 86-121, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - a) That Subsection (c) of Section 2. of By-Law No. 86-121 be repealed in its entirety and substituted with a new Subsection (c) as follows:
 - (c) notwithstanding subsection 14(1) of By-Law No. 6593, the use of the basement shall be limited to the following:
 - (i) ACCESSORY USES:
 1. a restaurant (coffee shop), provided that:
 - a) it shall have a maximum gross floor area of 65 m²;
 - b) it shall have access only from within the interior of the building; and

- c) no indication of the existence or availability of any such use whether by way of a sign, display, or otherwise shall be visible from the outside of the building.

2. storage and utilities.

- b) That subsection (f) of Section 2. of By-Law No. 86-121 be amended by deleting the word "and" after 4(c), and adding the phrase "and 4(f)" after 4(i), all in the second line, so that it reads as follows:

(f) notwithstanding paragraphs 4(a), 4(c), 4(i) and 4(f) of Table 1 of clause 18A(1)(a) of By-Law No. 6593, a minimum of 93 parking space shall be provided and maintained;

- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-940a, and that the subject lands on Zoning District Map E-12 be notated S-940a;
- iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593, and Zoning District Map E-12 for presentation to City Council;
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property located at No. 304 Victoria Avenue North, as shown on the attached map.

The effect of the By-Law is to permit an accessory restaurant (coffee shop) having a maximum gross floor area of 65.0 m² (700.0 sq. ft.) within the basement of the existing building. In addition, the By-Law provides for modifications to restrict access only from within the interior of the building, to prohibit a sign or display to identify the existence of the restaurant (coffee shop) from the street or exterior of the building, and to exempt it from providing seven (7) additional on site parking spaces.

J.D.Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification is to permit only an accessory restaurant (coffee shop) having a maximum gross floor area of 65.0 m² within the basement of the existing building.

- By-Law 86-121

On April 8, 1986, City Council passed By-Law 86-121 which rezoned the subject lands from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified. The By-Law restricts the use of the site to the following: commercial uses on the first floor including a physiotherapy establishment, an x-ray facility, a medical laboratory and a pharmacy. The second, third, fourth and fifth floors are limited to medical offices, while the basement or cellar prohibits commercial uses, but permits storage and utilities. The By-Law also includes the following variances as special requirements: maximum height - five stories; a front yard having a depth of at least 1.0 m; a minimum of 93 parking spaces on-site; to permit parking space, loading space, and manoeuvring space to be off-site; to require the parking space to be set back a minimum of 3.0 m from the front lot line, and, to exempt the development from providing a loading space. By-Law 86-121 came into effect on July 8, 1986.

- Committee of Adjustment Applications

- A-87-31

On March 5, 1987, the Committee of Adjustment granted approval of minor variance A-87-31 to permit 3,125 square feet of the basement floor area of the existing building to be used for commercial medical laboratory purposes, notwithstanding that By-Law 86-121 prohibited such use, and that 10 additional required parking spaces will not be provided.

- A-91-105

On June 12, 1991, the Committee of Adjustment denied minor variance application A-91-105 to permit 700 square feet of the basement floor area of the existing building to be used for commercial restaurant (lunch bar) purposes, notwithstanding that By-Law 86-121 prohibits such use, and that 7 additional parking spaces will not be provided.

As a result of an appeal filed by the applicant from the decision of the Committee of Adjustment, an Ontario Municipal Board Hearing was held on March 31, 1992. The Ontario Municipal Board after hearing evidence dismissed the appeal without prejudice to a reapplication. In this regard, it was suggested that the applicant proceed with a zoning application to permit the proposed new use.

APPLICANT:

304 Victoria Ave N. Holdings Ltd., (Dr. N. Gagic, President) owner.

LOT SIZE AND AREA:

- 78.05 m (256.06 ft.) of lot frontage on Victoria Avenue North;
- 43.89 m (144.0 ft.) of lot depth; and
- 3,358.78 m² (36,154.8 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	medical offices	"H" (Community Shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	single-family and two-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the south	two-family dwelling, a multiple dwelling and institutional uses	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the east	single-family dwellings and two-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District

to the west	Hamilton General Hospital and a parking ramp	"H" (Community Shopping and Commercial, etc.) District
-------------	---	--

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept plan of the Official Plan. The following policies, among others would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
 - i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal to permit a coffee shop within the existing building does not conflict with the intent of the Official Plan provided that policies A.2.2.34, A.2.2.36 and A.2.2.37 are satisfied.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Lansdale Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

"1. The application does not indicate which floor the proposed coffee shop is to be located. The present Site Specific By-Law 86-121 restricts the uses to specific location. Therefore, the applicant should confirm so the By-Law may be amended accordingly."
- The Traffic Department has advised that:

"It is our understanding that the proposed "coffee shop" will only be servicing the employees, patients, and tenants of the building and will not be attracting outside customers. On this basis, we support the requested zoning modification."
- The Roads Department has advised that:

"We have reviewed this application on the basis that it is for a coffee shop to be established in the basement of the existing Medical Building for use by the patients and tenants of the existing building. We have no objection to this application however, we submit the following comments for the information of the applicant.

There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The existing and designated road allowance width of Victoria Avenue is 24.38 m. Therefore, we do not anticipate any further road allowance widenings at this time.

As also noted under DA-86-25, the northerly access to this development will be closed at such time as the grade separation of Victoria Avenue at the C.N.R. Mainline is constructed. A note to this effect was put on the site plan to ensure that owners and tenants of this building were advised of this."

- The Hamilton Region Conservation Authority has no objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Lansdale Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Lansdale Neighbourhood Plan which designates the subject lands "COMMERCIAL";
 - ii) the proposed restaurant (coffee shop) will be an accessory use to the principal permitted use, and will only occupy 65.0 m² (700.0 sq.ft.) of area in the basement of the existing building;
 - iii) it is intended to serve only the employees, tenants and patients attending the various medical facilities within the existing building, and as such, would be compatible and should not impact on established development in this area.
4. Approval of the application would require the following variance:
 - To exempt the restaurant (coffee shop) from providing seven (7) required parking spaces.

On the basis that the proposed use only provides an internal service to those attending the medical office facility, no additional parking should be generated. In this regard, the Traffic Department supports the requested variance.

To ensure that the proposed restaurant (coffee shop) functions as an accessory use it would be appropriate to apply the following special requirements:

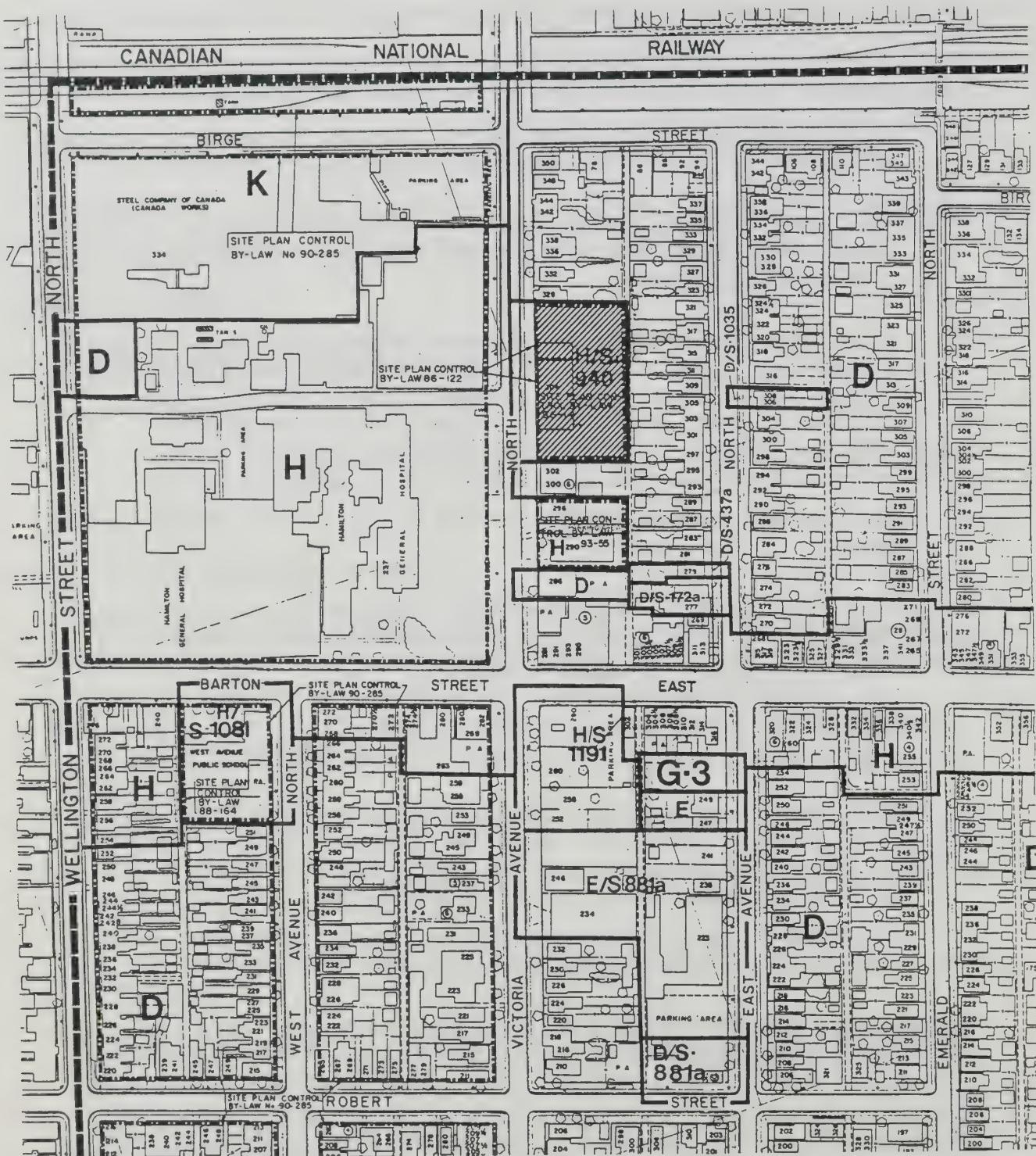
- To restrict the maximum gross floor area to 65 m² (700.0 sq. ft.) as proposed;
- To restrict access to only from within the interior of the building;
- To prohibit a sign or display to identify the existence of the restaurant (coffee shop) from the street or exterior of the building.

The applicant's agent was advised of the proposed restrictions and was not opposed to their inclusion in the amending By-Law.

5. It should be noted that the subject lands are subject to the provisions of Site Plan Control By-Law No. 79-275, as amended by By-Law No. 87-223. In this regard, any changes made to the approved site plan require Planning and Development Committee approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.



Legend



Site of the Application

ZAC 93-18

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Aug 5

HUU U U 1555

3(a)

Bernard & Kim Ryan
311 East Ave. N
Hamilton, Ontario
L8L 5J6

ZAC-93-18

August 4, 1993

RECEIVED

AUG 05 1993

CITY CLERKS

The Corporation of the
City of Hamilton
71 Main St. W.
Hamilton, Ontario
L8N 3T4

To Whom It May Concern:

We would appreciate it if the Medical Centre and/or coffee shop would look into getting garbage bins that meet the needs of this building.

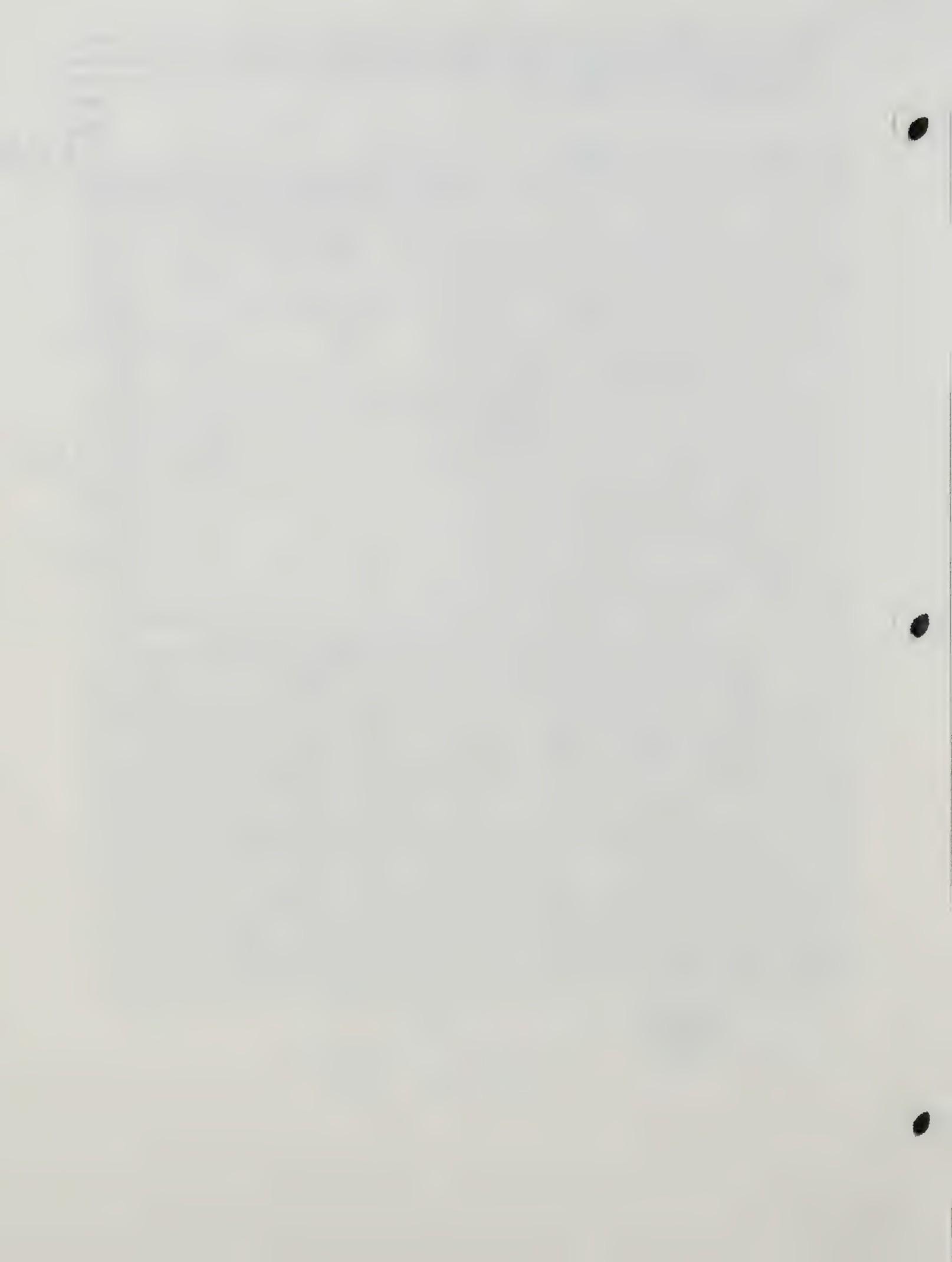
If necessary put a lock on bins so houses cannot use. The bin they have right now is definitely too small for a building this large. We end up with their garbage in our backyards.

I hope someone can take care of this, if not then we would be opposed to modification to the Coffee Shop. (this would mean more garbage)!!!!

Thank you,

K. Ryan

Kim Ryan



Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 August 6

4.

WEISZ, ROCCHI & SCHOLES

BARRISTERS & SOLICITORS

THOMAS J. WEISZ, B.A.,LL.B.,LL.M.
THOMAS J. ROCCHI, B.A.,LL.B.
MARK A. SCHOLES, B.A.,LL.B.
GERALD I. ASA, B.A.,M.B.A.,LL.B.
VERONICA M. COCCO, B.COMM.,C.A.,LL.B.

TELEPHONE (416) 523-1842
FAX (416) 528-9254
THE EFFORT TRUST BUILDING
SUITE TWO HUNDRED
242 MAIN STREET EAST
HAMILTON, CANADA
L8N 1H5

August 4, 1993

RECEIVED

AUG 06 1993

Office of the City Clerk
The Corporation of the
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

CITY CLERKS

Attention: **Tina Agnello, AMCT, CMMIII**
Secretary, Planning & Development Committee

Dear Madam:

Re: **City Council City Initiative 93-A**
Regarding Townhouses in Multiple Dwelling Districts

We are the solicitors for Rymal Square Developments Inc., the owner of the property situate on the north side of Rymal Road East between Upper Wentworth and Upper Sherman Streets. At the time the above-noted Initiative was brought back before the Planning and Development Committee on July 21, 1993, Arthur Weisz, the President of that company, voiced his concern with respect to that proposal. In particular, our client was concerned that notwithstanding the fact that a Development Agreement Application (File #93-19) had already been filed for a portion of its property for a townhouse site, that it would not be permitted to proceed with this Application due to the fact that part of the subject site is zoned DE-3 (the balance of the site is zoned RT-20), and would be caught under the provisions of the Initiative.

As there was some confusion on the part of our client as to what properties would be exempt from this Initiative, our client at the time did not ask for an exemption for its property. The Committee at that time made it clear to John Parente, as representative of another group that was further behind in the planning process, that his land would be exempt (provided an application was submitted by November of this year), and therefore, we would ask permission to make a submission before the Committee to request that our property be exempt from this Initiative as well.

WEISZ, ROCCHI & SCHOLES

Thank you for your time and consideration herein.

Yours very truly,

WEISZ, ROCCHI & SCHOLES

Per:



Mark A. Scholes

MAS:av

c.c. Alderman Don Drury,
Chairman, Planning and Development Committee

Alderman Terry Anderson

Alderman Henry Merling

Victor Abraham,
Director of Local Planning

Arthur Weisz

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

RECEIVED

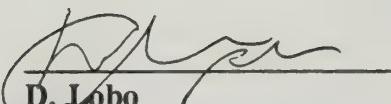
AUG 18 1993

CITY CLERKS

SUBJECT: Commercial Improvement Program - Approval of B.I.A.
Requests for 1993 and Deferral of Remaining Funds

RECOMMENDATION:

- a) That the attached Schedule 'A' outlining B.I.A. priority projects for implementation under the Commercial Improvement Program be approved at an estimated cost of \$113,600.
- b) That the remaining funds totalling \$344,400. be deferred pending the outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.


D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council on 1987 January 29 approved the Department of Community Development's Capital Budget submission of \$500,000. per year for five years for a total of \$2,500,000. under the Commercial Improvement Program. The Account Number is CF 5000 428705000.

BACKGROUND:

At its meeting held 1993 July 21 the Planning and Development Committee considered the recommendation to defer the amount of \$458,000. from the Commercial Improvement Program pending Capital Budget deliberations. After reviewing the recommendation the Planning and Development Committee directed staff to meet with representatives of the B.I.A.'s to identify priority projects to be considered for funding under the Commercial Improvement Program. The amount of monies to be deferred under the Commercial Improvement Program will be reduced by the total estimated cost of the priority projects.

Subsequently a meeting took place on 1993 July 26 between representatives of the B.I.A.'s and staff after which each B.I.A. submitted a written request for priority items under the Commercial Improvement Program as outlined in Schedule 'A'.

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). At the present time \$686,000. is remaining in the account of which \$228,000. has been put aside for: outstanding items and invoices from previous years, banner maintenance for the next 4-5 years and administration costs. The remaining \$458,000. was allocated for eligible 1993 B.I.A. requests; streetscape improvements for new or expanding B.I.A.'s; and, funding 50% (to a maximum of \$5,000. per request) for murals that were placed on vacant buildings within the B.I.A.'s and for 50% (to a maximum of \$2,500. per request) for comprehensive studies undertaken within a B.I.A. Approval of this recommendation will result in the amount of \$344,400. remaining in the Commercial Improvement Program to be used for projects originally permitted within the program subject to the final outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS1993

B.I.A.	Proposed Improvements	Estimated Cost
International Village B.I.A.	1) Bicycle Racks 2) Provision of and installation of ten (10) historical plaques on Heritage Buildings within International Village. 3) Increased luminaire lighting in north alleyway between Mary Street and Wellington Street to improve safety and reduce vandalism.	\$ 3,000. \$ 6,000. \$ 3,000.
	ESTIMATED COST	\$12,000.
Ottawa Street B.I.A.	1) Installation of concrete crosswalk at Campbell and Ottawa Streets during reconstruction of Ottawa Street in 1994.	\$25,000.
	ESTIMATED COST	\$25,000.
Barton Street B.I.A.	1) Due to this B.I.A.'s depleted condition along with its 50% vacancy rate, they have asked that an amount be set aside for revitalization improvements along Barton Street.	\$52,000.
	ESTIMATED COST	\$52,000.
Downtown Promenade B.I.A.	1) Improvements to Alleyway lighting within the boundaries of the B.I.A. 2) Wall Mural. 3) Supply and installation of twenty (20) bench dividers.	\$ 2,000. \$ 5,000. \$ 4,500.
	ESTIMATED COST	\$11,500.
Concession Street B.I.A.	1) Alleyway lighting on south side of Concession Street between East 21st and East 24th Streets. 2) Installation of thirty-seven (37) pole mounted photocells along wood hydro poles which will significantly reduce Hydro costs.	\$ 4,000. \$ 3,700.
	ESTIMATED COST	\$ 7,700.
Westdale Village B.I.A.	1) The purchase and installation of two (2) benches in front of the Library.	\$ 1,400.
	ESTIMATED COST	\$ 1,400.

Main Street West Esplanade B.I.A.	1) The purchase and installation of six (6) litter container lids. 2) The B.I.A. has requested greenery on Main Street West but due to restricted sidewalk width the only possible locations could be on the school property that fronts onto Main Street West. This will be pursued with the Public School Board.	\$ 1,000. \$ 3,000.
	ESTIMATED COST	\$ 4,000.
	TOTAL ESTIMATED COST	\$113,600.

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 17
TC-CN

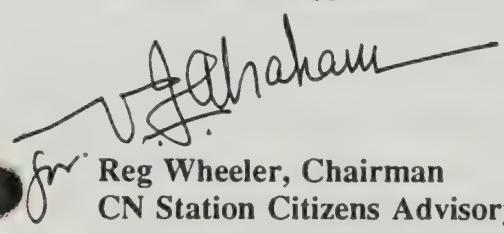
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Reg Wheeler, Chairman
CN Station Citizens Advisory Committee

SUBJECT: Statement of Interest

RECOMMENDATION:

That the Statement of Interest, attached as Schedule "A", for the CN Station Citizens Advisory Committee be approved.


Reg Wheeler
Reg Wheeler, Chairman
CN Station Citizens Advisory Committee

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

On February 12, 1991, Council approved the establishment of a CN Station Advisory Committee. The Committee is comprised of representatives from various advisory committees and interested stakeholders to examine opportunities for the reuse of the CN Station located at 360 James Street North. With GO Transit's move out of the Station, the Committee has now been activated and is meeting.

The CN Station is currently owned by CN Rail and is vacant. On June 24, 1993, members of the CN Station Citizens Advisory Committee attended a tour of the CN Station given by the Heritage Conservation Program in Public Works Canada.

As its first step, the Committee has established the attached Statement of Interest which outlines the Geographical Area, Heritage Character, Statement of Intent and Guidelines for Implementation. The Committee requests Council approval of this statement.

JG/jg

CN STATION CITIZENS ADVISORY COMMITTEE

Schedule "A"

STATEMENT OF INTEREST

I. Statement of Interest

a) Geographical Area

The area of interest constitutes primarily the CN Station and its surrounding property: bounded by James St. N., Murray St., Hughson St. N., and the CN tracks, as well as the CN parking lot to the west (situated between James North and MacNab North) and the railway platforms on the lower level. (See attached Map)

b) Heritage Character

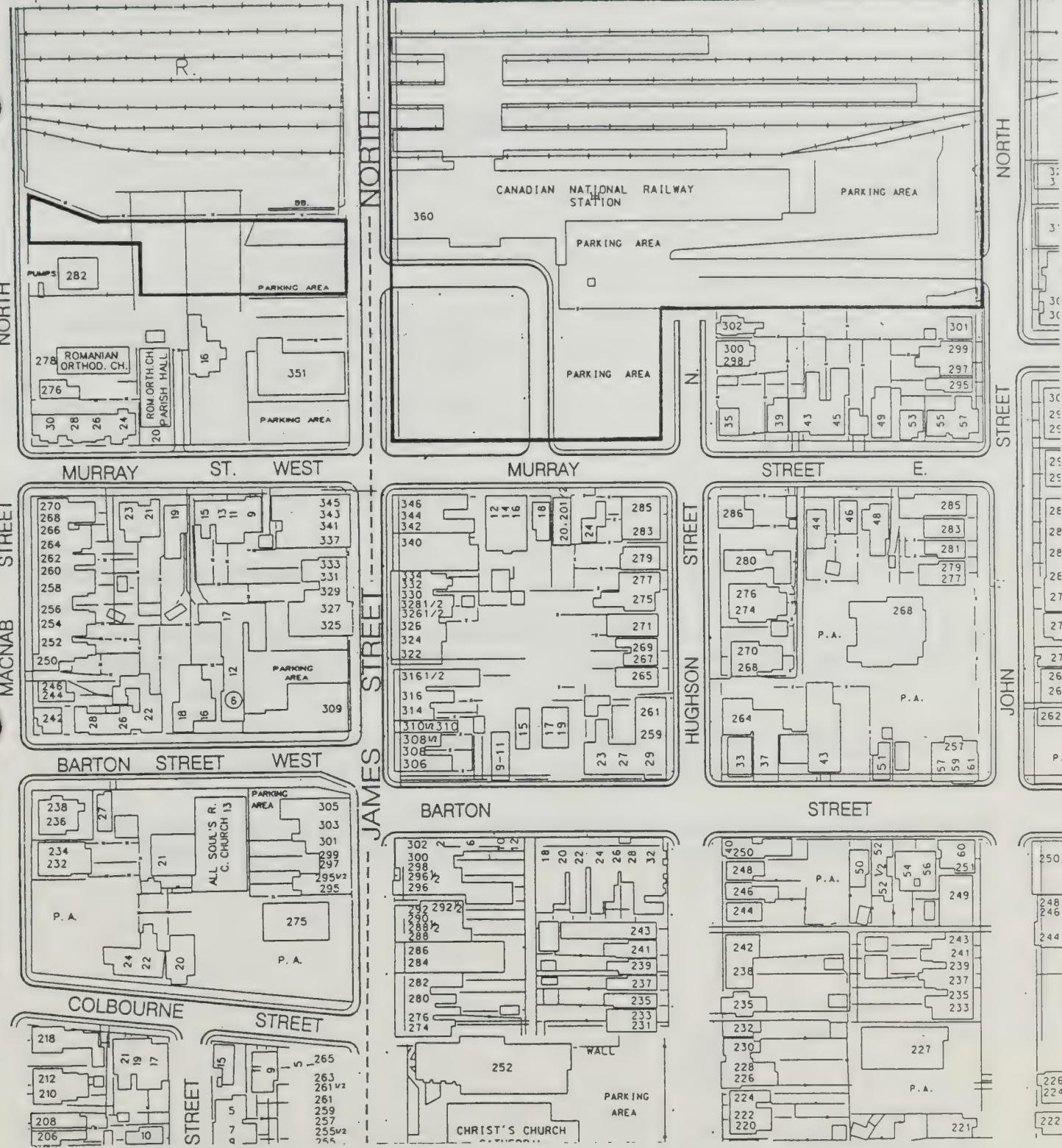
The area of interest focuses on the heritage character of the CN Station and surrounding property, which is derived from the following heritage attributes: architectural, historical, landscape and contextual merits.

The heritage significance of the CN Station has been duly recognized by all levels of government:

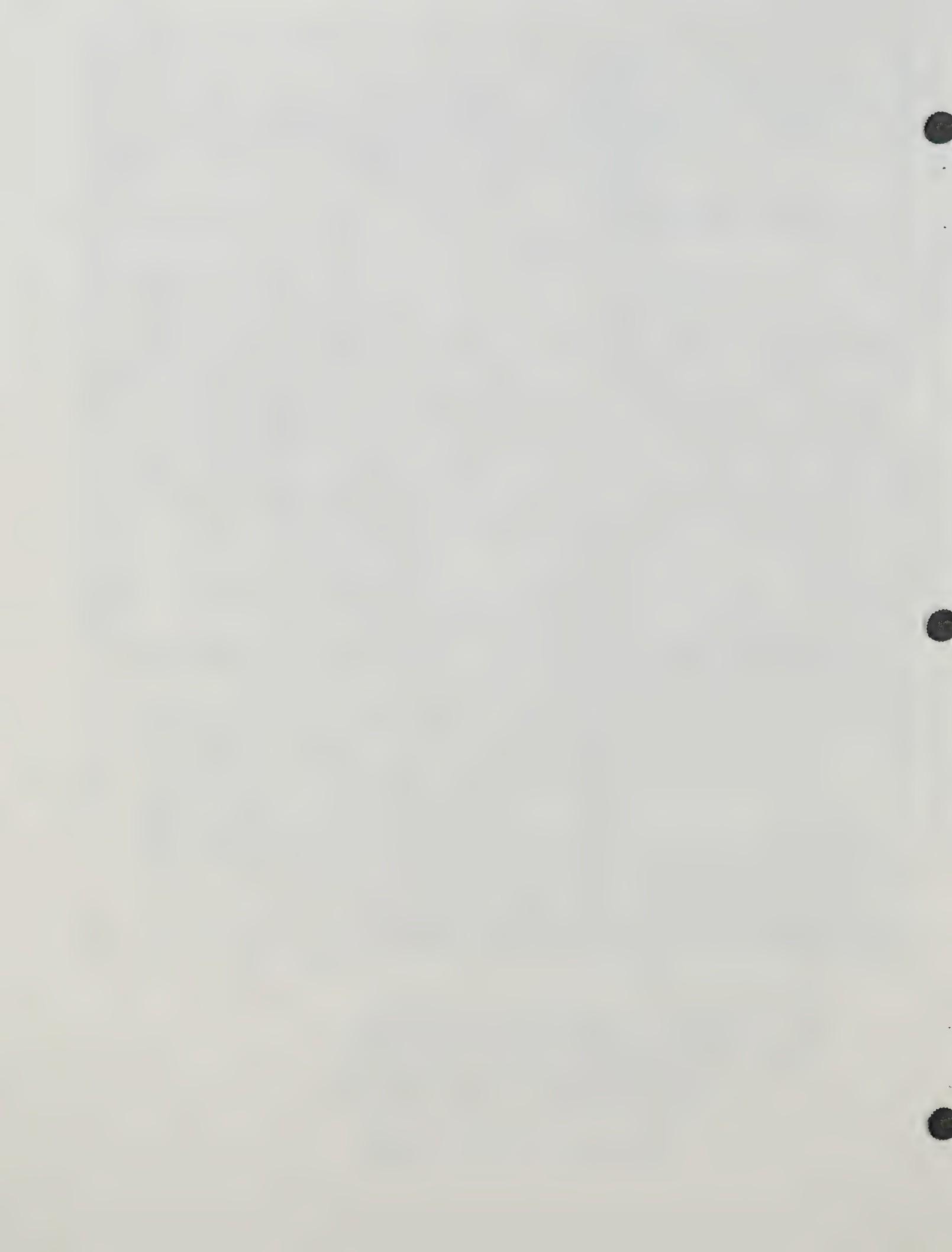
Federal: Designated under the Heritage Railway Stations Protection Act (sale, alteration, or demolition regulated)
The geographical area is defined as follows: "The station precinct consists of a grassy front plaza, the T-plan station building and suspended concourse, and a large track yard with ancillary buildings at lower level."

Provincial: Evaluated as "Heritage Class: A; Architecturally significant and unique to the province", Study by the Ontario Heritage Foundation and the Ministry of Citizenship and Culture in cooperation with Canadian National Railways and VIA Rail (no regulations apply)

Municipal: Listed as a Landmark Building and on the Inventory of Buildings of Architectural and Historical Interest (no regulations apply). Designation at the municipal level under the Ontario Heritage Act is now under consideration.



CN Station Citizens Advisory Committee "Area of Interest"



CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 18
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

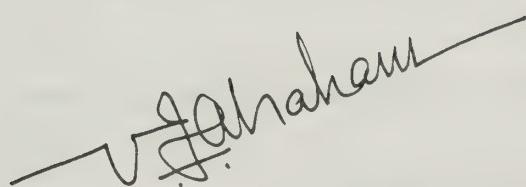
FROM: J.D Thoms, Commissioner
Planning and Development Department

SUBJECT: Parking Lots in the Central Area

RECOMMENDATION:

That the Planning and Development Department be directed to hold a public meeting of the Planning and Development Committee to present the following options for regulating parking lots in the Central Area:

- a) undertaking a City Initiative to delete "Public Parking Lots" as a permitted use from all zoning districts except the "G-3" (Public Parking Lots) District;
- b) reviewing legislative change for extending demolition control to the entire Central Area, as defined in Official Plan Amendment No. 66, for all types of buildings.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

THE PROBLEM:

In the past few years, numerous buildings in the Central Area have been demolished and redeveloped as parking lots; a list of the buildings that have been demolished to provide parking lots is contained in APPENDIX "B". The parking lots are permitted uses in the City's Zoning By-law. In fact, given the current zoning regulations, a vast area within the Central Area could be developed as parking lots; including virtually all land in the Downtown Core. As well, there are areas within established residential areas in the Central Area that have had buildings demolished to be developed as parking lots. Under the current zoning regulations, this practice could continue.

The large-scale increase of parking lots in the Central Area has arisen for a number of reasons: businesses are no longer viable in these buildings; the current economic climate makes leasing of vacant space difficult; the taxes on vacant buildings remain high; and as an interim use (prior to redevelopment), a parking lot generates revenue for the land owner.

However, there are significant impacts to the Central Area arising from the redevelopment of the Central Area for parking lots. These include:

- lack of urban design in the Central Area;
- loss of buildings that make up the urban fabric of the Central Area and, in particular, the Downtown Core;
- loss of heritage buildings;
- a negative impact on pedestrian flows in that cars travel over the sidewalks accessing the parking lots thereby interrupting pedestrian movement.

Concerns regarding the demolition of buildings and the proliferation of parking lots have developed. LACAC has reviewed the matter as has CAPIC. CAPIC members have prepared recommendations regarding parking lots in the Central Area. These recommendations are: the removal of "Public Parking Lots" as a permitted use from all zoning districts except the "G-3" (Public Parking Lots) District and to extend demolition control in the Central Area to all types of buildings.

CURRENT POLICY AND REGULATIONS:

- Central Area Plan

The Central Area Plan contains policies specific to parking lots. The following are the relevant portions of these policies:

- "4.8.7 *To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a*

manner as to encourage their use for short term parking needs for shopping, entertainment, and business. As such, parking should be provided in accordance with the following provisions:

- iv) *Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core."*

The Central Area Plan attempts to restrict the location of public parking lots to the areas designated "Downtown Core" on the Plan's Land Use Schedule. This area coincides with the commercial core of the City - the commercial centre at King and James and the extended commercial areas of King Street East and West and James Street North and South.

- Zoning By-law No. 6593

Public Parking lots are permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) District
- "G-1" (Designed Shopping Centre, etc.) District
- "G-2" (Regional Shopping Centres, etc.) District
- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "HH" (Restricted Community Shopping and Commercial, etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial-Residential) District
- "CR-3" (Commercial-Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District
- "K" (Heavy Industry) District

- "JJ" (Restricted Light Industrial) District
- "KK" (Restricted Heavy Industrial) District

APPENDIX "A", Maps 1-6, shows the development potential for Public Parking Lots for all land within the Central Area under the current zoning regulations. These maps also indicate the boundary of the "Downtown Core" designation of the Central Area Plan. The information presented on the maps clearly indicates that a majority of the "Downtown Core" can be developed as Public Parking Lots. In addition, a substantial land area outside the "Downtown Core" designation, in areas designated for other forms of development (e.g. Residential, Mixed Use), may be developed as Public Parking Lots, as-of-right, under the City's current zoning regulations. The City's Zoning By-law is not implementing the Central Area Plan with respect to Public Parking Lots.

- Demolition Control

The City's Demolition Control By-law regulates the demolition of residential buildings. Problems have arisen with this process in that buildings that are not residentially used (e.g. the Dare Candy Factory - Industrially used; Philpott Memorial Church Building - Commercially used; the commercial building at 22-26 James Street North demolished for parking, the former Zeller's) are not regulated by the Demolition Control By-law. Buildings designated under the Heritage Act can only have demolition delayed for up to six months before the building can be legally demolished by the owner. There are several instances where this has in fact happened (e.g. Philpott Memorial Church Building on Vine Street).

PROPOSED INITIATIVES:

- Location of Parking Lots

The current regulations of the City's Zoning By-law permit public parking lots in a wide variety of zoning districts. These provisions allow parking lots to be developed, as of right, in virtually the entire downtown core as well as many of the neighbourhoods comprising the Central Area (see APPENDIX "A"). The problem that arises can be witnessed in many areas of the Central Area where buildings have been demolished to be developed for parking lots, as-of-right. Council, therefore, has little control over the location of parking lots and only some control over their design. An option to regulate parking lots in a holistic manner would be to review the range of zoning districts permitting public parking lots with the specific intent of only allowing parking lots in the "G-3" (Public Parking Lots) District. This would allow the review of proposals for new lots to address issues of appropriateness of location, landscaping, and access.

Demolition Control

Currently, the Planning Act authorizes municipalities to pass demolition control by-laws for residential buildings. This provision permits the municipality to require a building permit prior to the issuance of a demolition permit. In addition, this provision also requires that the construction of the new building be substantially completed within two years of the issuance of the permits. The municipality may impose a financial penalty if the construction is not completed.

However, the demolition control by-law only applies to residential buildings. In the Central Area, many non-residential buildings, including buildings designated under the Heritage Act, are being torn down and developed as parking lots. The impact on the Central Area has been pronounced - several prominent buildings such as the Dare Factory, the Dodsworth and Brown Funeral Home, and Philpott Memorial Church's stone building (on Vine Street) - have been torn down and redeveloped as parking lots. In general the parking lots are an interim use pending long-term redevelopment. The problem arising from this demolition is the impact on the Central Area: a ring of parking lots and vacant land within and surrounding the Downtown Core as well as vacant areas within established neighbourhoods. In some instances there are significant gaps left by the demolition of buildings in the Downtown Core.

The proposed solution would be to extend demolition control to all buildings in the Central Area, regardless of use. In this regard, all buildings to be demolished require a building permit as well. The building would then have to be constructed within two years of the issuance of the demolition. The extension of demolition control would include provisions to require construction to be completed within two years. Extension of the construction time may be granted by City Council. Refusal of an application for demolition would be appealable to the Ontario Municipal Board.

The advantage to this form of regulation is that new development proposals will be dealt with in a holistic manner: the demolition of an existing building will require the construction of a new building. The vacant appearance of the Central Area that currently exists will be effectively regulated and redevelopment of the Central Area, where appropriate, can commence.

This type of demolition control requires a Private Members Bill to establish the authority of City Council to refuse a demolition permit unless a building permit has been issued. It should be noted that other municipalities have received similar authority to control the demolition of heritage buildings. The regulation sought would be similar to what has been granted to other municipalities; the difference for Hamilton would be the application to a geographic area (the Central Area) as opposed to a form of building (designated buildings under the Heritage Act).

COMMENTS:

1. At its meeting of June 24, 1993, the Central Area Plan Implementation Committee recommended the City Initiative to remove "Public Parking Lots" as a permitted use from all zoning districts except the "G-3" (Public Parking Lots) District. The Committee also recommended that the City seek demolition control for the entire Central Area.
2. LACAC, at its meeting of July 29, 1993, endorsed the recommendations of the Central Area Plan Implementation Committee.
3. From a planning perspective, the proposed initiatives merit consideration. The current zoning regulations contribute to the ease of demolition and redevelopment of parking lots within the Central Area. Establishing a clear set of regulations to implement the parking lot policy of the Central Area Plan is appropriate. Currently, the Zoning By-law regulations do not implement the policies of the Central Area Plan. It should also be noted that, in establishing a clearer regulation for parking lots, Council will be able to deal with location and design holistically, as opposed to the current system where location and design are not dealt with in any comprehensive fashion.

The extension of demolition control through the Private Member's Bill would give Council the opportunity to work with the private sector in redeveloping property in the Central Area to implement the Central Area Plan. Currently, the demolition of buildings without commensurate redevelopment is a serious flaw in the planning and growth of the Central Area. The extension of demolition control, the Private Member's Bill would give Council the opportunity to work with the private sector in redeveloping property in the Central Area to implement the Central Area Plan.

With respect to parking lots, the dual regulations of amending the City's Zoning By-law and the extension of demolition control will allow Council and staff to define the appropriate location for parking lots in the Central Area. The intention is not to ban further parking lot development, but to work with the private sector in providing parking lots in appropriate locations, with appropriate design. The existing regulations do not place the decision-making process regarding parking lots in the Central Area with Council.

4. The Final Report of the Commission on Planning and Development Reform in Ontario (the Sewell Commission) recommends a Policy Statement on Community Development. One of the goals of this Policy Statement is "The well-being of downtowns and main streets will be fostered". The proposed regulatory changes are consistent with and would implement this goal of the Commission's Report in Hamilton.

CONCLUSION:

On the basis of the foregoing, it would be appropriate to seek input from the public at large respecting the proposed regulatory changes respecting public parking lots.

MLT:mlt

APPENDIX "B" - BUILDINGS DEMOLISHED FOR PARKING LOTS

Central Neighbourhood

161 Bay Street North (Bay-King Motors)
114 Main Street West (Dodsworth & Brown Funeral Home)
89 Vine Street (Philpott Memorial Church)

Beasley Neighbourhood

177-187 Cannon Street East
192-196 Cannon Street East
215 Cannon Street East
201-203 Cannon Street East
150 Catharine Street North
22-26 James Street North
98 James Street North
19-37 Mary Street
40 Mary Street
77 Mary Street
79 Mary Street
N/W Corner of Wilson & Mary
164-180 Rebecca Street
261-263 Wellington Street North
51 Wilson Street

Corktown Neighbourhood

74 Charlton Avenue East
103-109 Hunter Street East
139 Hunter Street East
84 Jackson Street East/79 John Street South (Dare Candy Factory)
92-94 John Street South
213-241 John Street South
299 John Street South
131-135 Walnut Street South
165-167 Young Street



LEGEND

■ Potential Sites for
Public Parking Lots
under current
Zoning Regulations

North End West

APPENDIX "A"

MAP 1





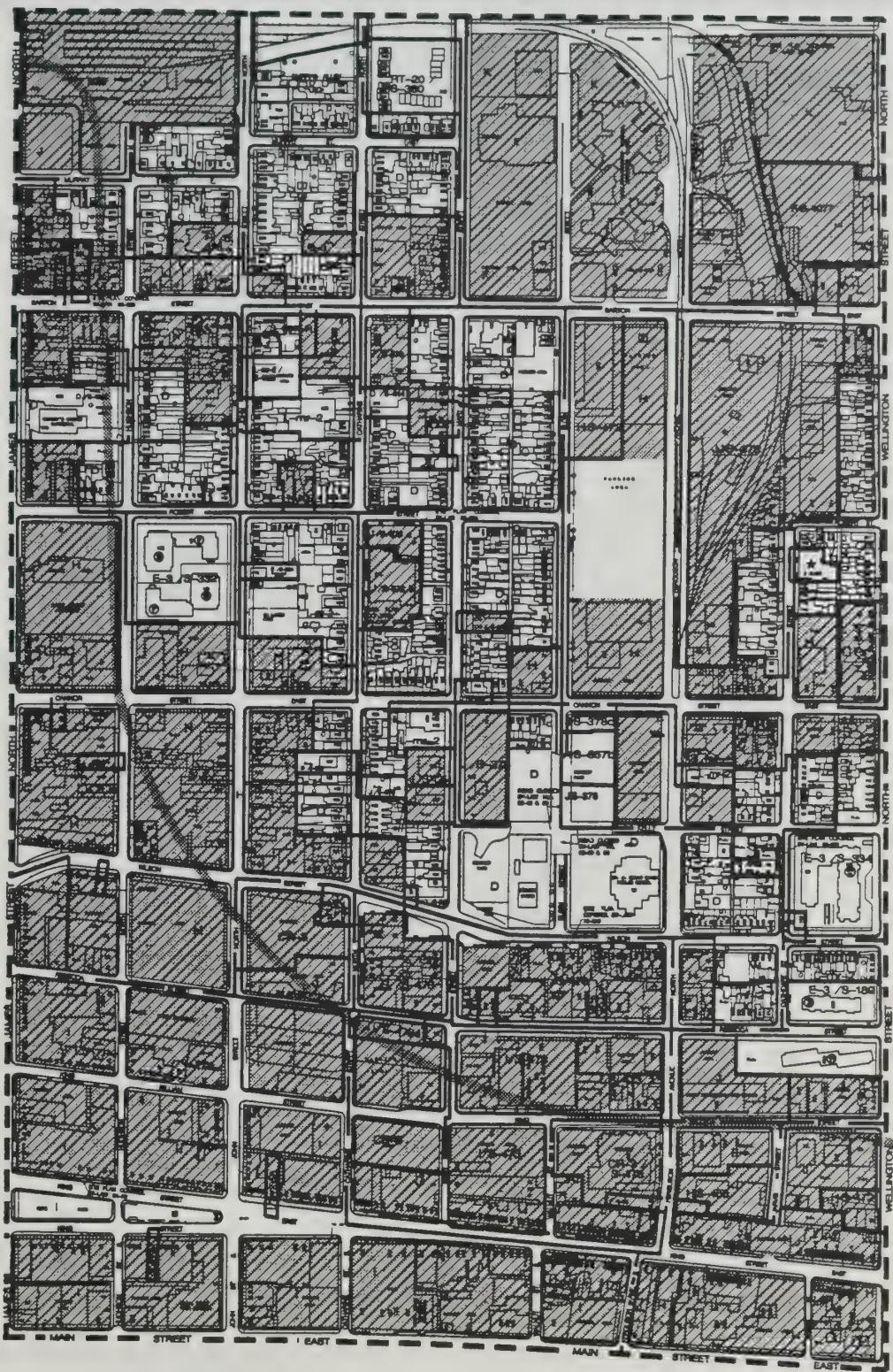
LEGEND

■ Potential Sites for
Public Parking Lots
under current
Zoning Regulations

— Downtown Core Boundary
Central

APPENDIX "A" MAP 3





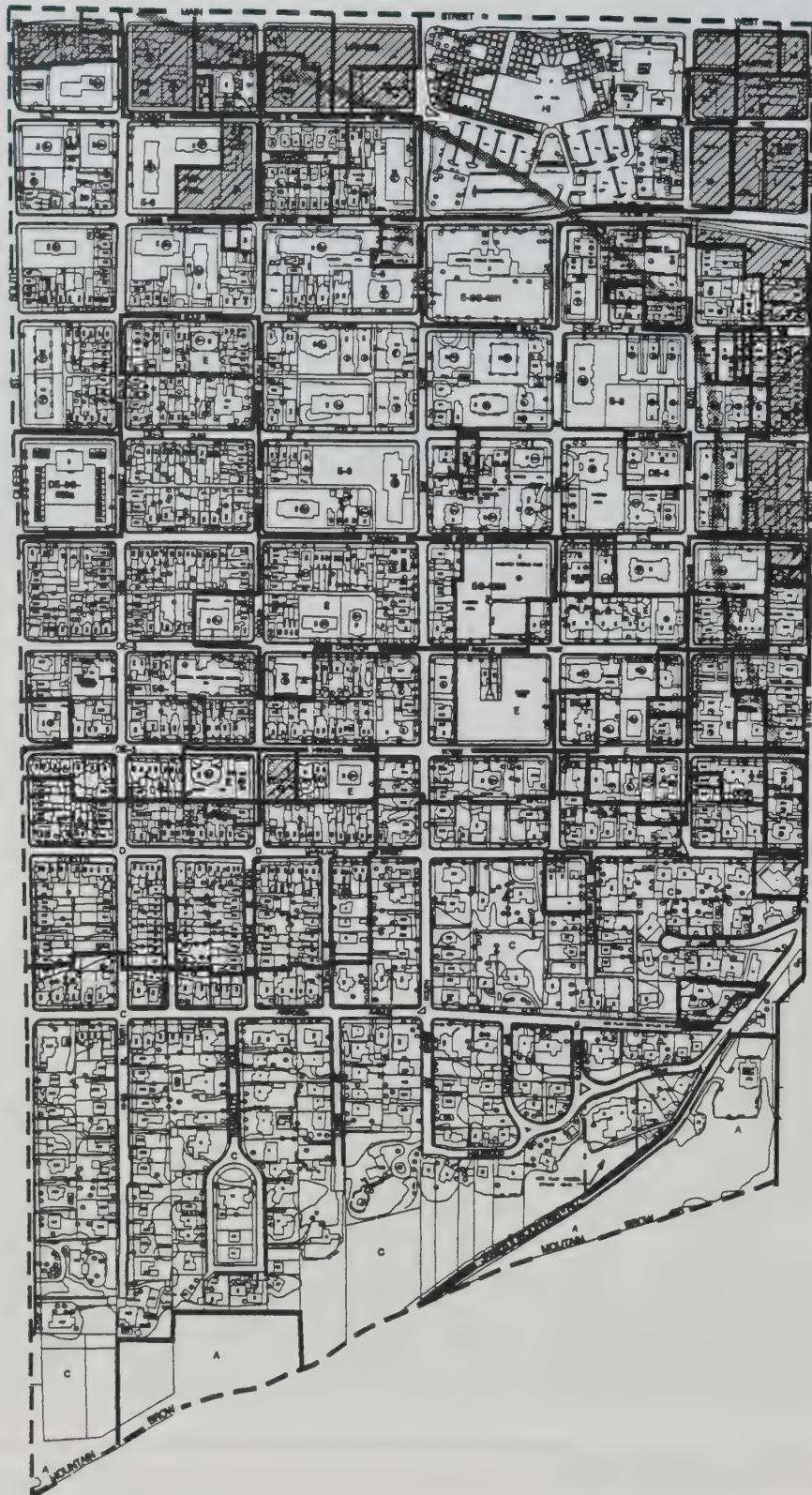
LEGEND

- Potential Sites for Public Parking Lots under current Zoning Regulations
- Downtown Core Boundary

Beasley

APPENDIX "A"
MAP 4





LEGEND

■ Potential Sites for
Public Parking Lots
under current
Zoning Regulations

— Downtown Core Boundary
Durand

APPENDIX "A"
MAP 5





LEGEND

- Potential Sites for Public Parking Lots under current Zoning Regulations
- Downtown Core Boundary

Corktown

APPENDIX "A"
MAP 6



APPENDIX "B" - BUILDINGS DEMOLISHED FOR PARKING LOTS

Central Neighbourhood

161 Bay Street North (Bay-King Motors)
114 Main Street West (Dodsworth & Brown Funeral Home)
89 Vine Street (Philpott Memorial Church)

Beasley Neighbourhood

177-187 Cannon Street East
192-196 Cannon Street East
215 Cannon Street East
201-203 Cannon Street East
150 Catharine Street North
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Corktown Neighbourhood

74 Charlton Avenue East
103-109 Hunter Street East
139 Hunter Street East
84 Jackson Street East/79 John Street South (Dare Candy Factory)
92-94 John Street South
213-241 John Street South
299 John Street South
131-135 Walnut Street South
165-167 Young Street

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
105 PARK STREET NORTH - Tag Number 90111
(93.1.1.A)

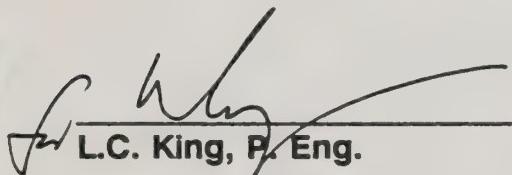
RECEIVED

AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 105 PARK STREET NORTH.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "L-C"

PRESENT USE: Two Family Dwelling

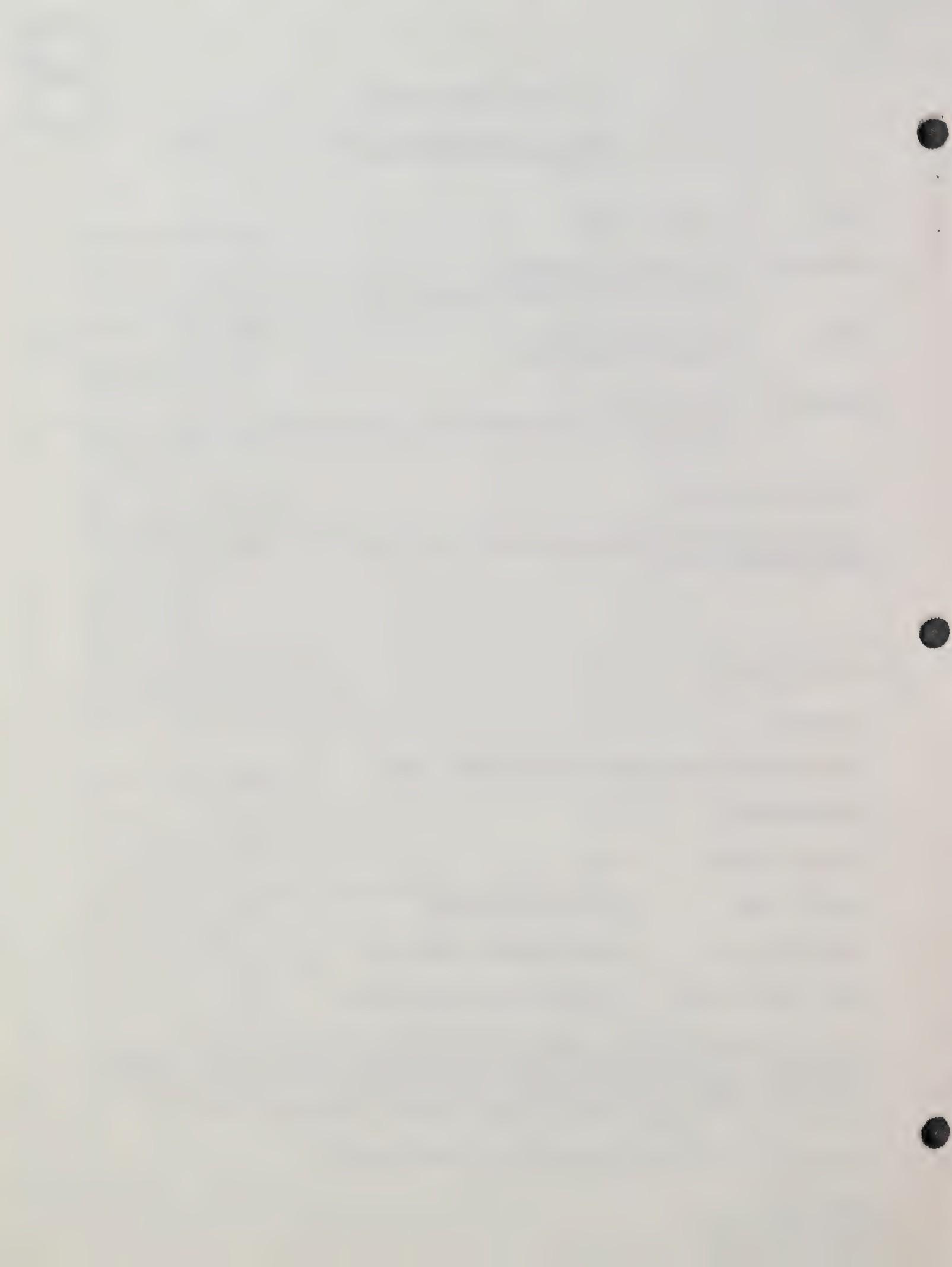
PROPOSED USE: Parking Lot (see comments)

BRIEF DESCRIPTION: 2½ storey solid brick dwelling

The owner wishes to create a larger parking area for the adjoining business. As the site is in a "L-C" zoning district, a zoning change must be approved by the Planning Department before development can proceed and also a Site Plan Agreement is required under By-Law 90-285. No LACAC interest. Lot size 33' x 120'.

The owner of the property as per the demolition permit is:

Louis Agro
525 Wilson Street
Hamilton, Ontario



PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 AUGUST 25

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 July 21

B. DIRECTOR OF PUBLIC WORKS

Fifth Annual Public Service Announcement Competition; Phase IV of the Downtown Hamilton Action Plan

C. BUILDING COMMISSIONER

- (a) Fences and Gates Around Outdoor Swimming Pools By-law 77-244
- (b) Safety of Building Construction Sites
- (c) Hamilton Emergency Loan Programme, 417 Fairfield Avenue North
- (d) Commercial Loan Program:
 - i. 1012 King Street West
 - ii. 294 Ottawa Street North
 - iii. 321-341 Ottawa Street North
- (e) Heritage Programme
 - i. 124 MacNab Street North
 - ii. 126 MacNab Street North
 - iii. 260 MacNab Street North
 - v. 185 Delaware Avenue
 - vi. 235 Bowman Street



- vii. 172-176 Locke Street South
- viii. 112 Aberdeen Avenue
- ix. 74 George Street

(f) **Demolition Permits:**

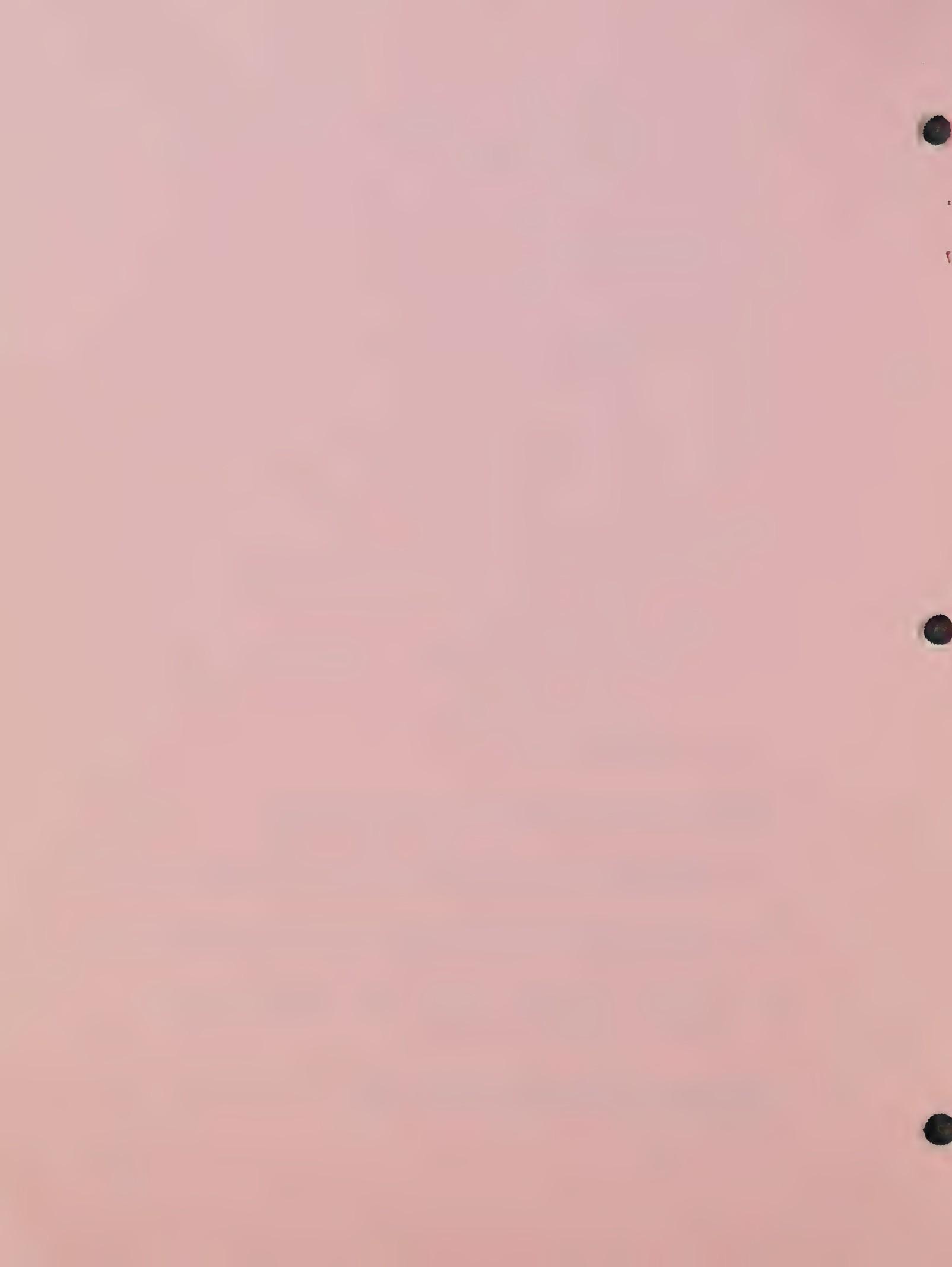
- i. 1121 Upper James Street
- ii. 1128 Upper James Street
- iii. 1134 Upper James Street
- iv. 1142 Upper James Street
- v. 1150 Upper James Street
- vi. 1160 Upper James Street
- vii. 1075-1079 Upper James & 7 Limeridge Road East
- viii. 50 Limeridge Road East
- ix. 571 Burlington Street East
- x. 605 Mohawk Road West
- xi. 28 Dodson Street

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Application to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1" Subdivision
- (b) Ministry of the Environment Guidelines on Separation Distance between Industrial Facilities and Sensitive Land Uses
- (c) Comments on the Report Restructuring Resource Management in Ontario - A Blueprint for Success

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items



**Wednesday, 1993 July 21
9:00 o'clock a.m.
Room 233, City Hall**

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman Wm. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Regrets: Mayor Robert M. Morrow
Alderman M. Kiss (Vacation)

Also Present:

J. Pavelka, Chief Administrative Officer
Paul Mallard, Planning Department
Bill Janssen, Planning Department
John Sakala, Planning Department
John Robinson, Building Department
Hazell, Milsome, Public Works Dept.
Bob Chrystian, Public Works Dept.
Melissa Gould, Public Works Dept.
Eugene Chajka, Roads Department
Peter Baker, Parking Authority
Roland Karl, Traffic Department
John Avery, Purchasing Department
Art Zuidema, Law Department
Willie Wong, Building Department
Tina Agnello, Secretary

1. REFERRALS FROM COUNCIL

(a) Director of Public Works - Commercial Improvement Program - Business Improvement Areas

The Committee was in receipt of a report dated 1993 June 17.

Mary Pocius, Executive Director of the International Village and Chairperson of the Business Improvement Areas Association was present.

Ms. Pocius expressed disappointment in the lack of communication between the City and the BIA's and also the fact that support staff to the BIA has decreased from 4 people to 1 person. She questioned what is being deferred and, in what way the policy regarding BIA projects has changed?

Mr. Pavelka advised that there are 458 thousand dollars of unallocated money in the account. He explained that the City is coming to terms with 3 issues: 1) expenditure control plan/provincial budget, 2) Social contract, and 3) winter storms. The effect of these has been a shortfall of 13.5 million dollars. In addition Council is struggling to keep the levy increase at a minimum. The money is being deferred in order that it may be considered in the overall fiscal discussions for the municipality.

Alderman Eisenberger advised that 150 thousand dollars from the Mayor's planting project has also been deferred. He explained that all avenues of financing are being pursued and that this situation is not exclusive to the Business Improvement Area.

Alderman McCulloch suggested that some money be allocated to projects which are ongoing to which Ms. Milsome advised that the Downtown Mural is the only project in progress and estimates for the Ottawa Street BIA alley pavement who now prefer crosswalks are pending.

Alderman McCulloch added that grant money allocated to the B.I.A.'s is an incentive towards membership.

Following discussion the Committee directed the CAO through the Public Works Staff to meet with representatives of the BIA's and identify priority projects which may be considered for funding from the Commercial Improvement Programs. The amount of money to be deferred is to be reduced by the estimate of costs for projects which are to be completed.

(b) Commissioner of Planning and Development - CI-93-A respecting the review of townhouses in multiple dwelling districts

Arthur Weisz of Effort Trust Company was present. He stated that the economy is in a downturn and this is not the time to implement the City initiative.

Tony DiSilvestro concurred and added that the present by-law is flexible and beneficial to both developers and the public.

John Parente, Solicitor, was present. He cited a specific example of a 1992 application which will be held up by a further 6 months if this new by-law is passed. He does not agree with the down-zoning and has forwarded a letter to the Aldermen to that effect.

Paul Mallard advised that applications which have not received site plan approval would be required to comply with the new by-law.

He suggested that 2 options may be to grandfather specific properties or to delay the effective date of the new by-law.

Alderman Eisenberger supports the city initiative as it is consistent with neighbourhood plans and does not allow other types of housing.

Alderman McCulloch concurred and added that residents will not be surprised with alternate building developments.

Alderman Merling supports the city initiative as it will allow for orderly development. The present by-law has allowed extensive rows of townhouses to be built that were not planned.

A discussion ensued regarding the possibility of adding a grandfather clause to the by-law to allow properties which have almost completed the approval process to be permitted to proceed under the old By-law.

The Committee was not in favour of delaying the effective date of the by-law.

In light of the fact that "grandfathering" would give them indefinite approval without a time frame.

Alderman Charters opposed the city initiative because of a property in his ward which is zoned apartments but residents have been told townhouses are to be built.

The Committee concurred that Mr. Parente's client whose property is at 200 Rymal Road East will have until November 1st 1993 to receive site plan approval at which time the present by-law, if passed, will be amended to allow an exemption for that particular property.

As recommended in a report dated 1993 June 14, the Committee recommended to Council as follows:

That approval be given to City Initiative 93-A to provide for a general text amendment to Zoning By-law No. 6593 by deleting townhouses and street townhouses as permitted uses in the "D" and "G" Districts; and by deleting townhouses, maisonettes and street townhouses as permitted uses in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts, on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District requirements as set out under Section 10 of Zoning By-law No. 6593 be amended by:
 - (i) deleting the word "Townhouses" from the district title so that it shall read as "(Urban Protected Residential - One and Two Family 7 Dwellings, ETC.)";
 - (ii) deleting Section 10.(1)(iii) in its entirety; and
 - (iii) adding thereto the following subsection:

PRIOR EXISTING USES

- (8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:
 - (i) A Townhouse Dwelling subject to the "RT-10" District provisions;
 - (ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

- (b) That the "DE" (Low Density Multiple Dwellings) District requirements as set out under Section 10A of Zoning By-law No. 6593 be amended by:
 - (i) deleting Section 10A.(1)(v) in its entirety; and
 - (ii) adding thereto the following subsection:

PRIOR EXISTING USES

- (8) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:
 - (i) A Townhouse Dwelling subject to the "RT-20" District provisions;

- (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.
- (c) That the "DE-2" (Multiple Dwellings) District requirements as set out under Section 10B of Zoning By-law No. 6593 be amended by:
- (i) deleting Section 10B.(1)(v) in its entirety; and
 - (ii) adding thereto the following subsection:
- PRIOR EXISTING USES
- (9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.
- (d) That the "DE-3" (Multiple Dwellings) District requirements as set out under Section 10C of Zoning By-law No. 6593 be amended by:
- (i) deleting Section 10C.(1)(v) in its entirety; and
 - (ii) adding thereto the following subsection:
- PRIOR EXISTING USES
- (9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:
- (i) A Townhouse Dwelling subject to the "RT-20" District provisions;
 - (ii) A Maisonette Dwelling subject to the "RT-20" District provisions;
 - (iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.
- (10) Notwithstanding subsection (9), those lands located at Nos. 384-390 Limeridge Road East shall be deemed a "Prior Existing Use".

(e) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District requirements as set out under Section 11 of Zoning By-law No. 6593 be amended by:

(i) deleting Section 11.(1)(iia) in its entirety; and

(ii) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(f) That the "E-2" (Multiple Dwellings) District requirements as set out under Section 11B of Zoning By-law No. 6593 be amended by:

(i) deleting Section 11B.(1)(v) in its entirety; and

(ii) adding thereto the following subsection:

PRIOR EXISTING USES

(9) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the by-law shall be permitted:

(i) A Townhouse Dwelling subject to the "RT-20" District provisions;

(ii) A Maisonette Dwelling subject to the "RT-20" District provisions;

(iii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.

(10) Notwithstanding subsection (9), those lands located at No. 1620 Upper Wentworth Street shall be deemed a "Prior Existing Use".

(g) That the "G" (Neighbourhood Shopping Centre, etc.) District requirements as set out under Section 13 of Zoning By-law No. 6593 be amended by adding thereto the following subsection:

PRIOR EXISTING USES

- (7) The following uses existing on the date of the passing of By-law No. 93- and any alteration, extension or enlargement of the continuing uses after the passing of the By-law shall be permitted:
 - (i) A Townhouse Dwelling subject to the "RT-10" District provisions;
 - (ii) A Street Townhouse Dwelling subject to the "RT-30" District provisions.
 - (8) Notwithstanding subsection (7), those lands located at No. 2774 King Street East shall be deemed a "Prior Existing Use".
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. FEDERATION OF CANADIAN MUNICIPALITIES

Request for resolution for 1993 Board of Directors Meeting - Recommendation from Building Commissioner

As recommended in a report dated 1993 July 16 the Committee recommended to Council as follows:

That the following resolution regarding the Federal Government's Residential Rehabilitation Assistance Programme (RRAP) be endorsed and forwarded to the Federation of Canadian Municipalities' (FCM) Standing Committee on Policies and Resolutions:

WHEREAS the Federal Government has announced the termination of funding for the Residential Rehabilitation Assistance Programme at the end of 1993;

AND WHEREAS this Programme is providing vital assistance to the owner/occupant with limited income to maintain their home in areas of life and safety items;

AND WHEREAS RRAP encourages homeowners to remain in their homes thus maintaining their dignity and easing the demand for subsidized housing which is often in short supply;

AND WHEREAS this is the only National Rehabilitation Programme available to Canadians.

BE IT RESOLVED that FCM supports the continuation of the Federal Government's Residential Rehabilitation Assistance Programme and that representation should be made to the Minister responsible for Canada Mortgage and Housing Corporation in order to outline the importance, both economically and socially of the Federally funded programme.

PUBLIC MEETINGS

3. **Zoning Application 93-13, DiCenzo Construction Company Limited, owner, for changes in zoning from "AA" District to "C" District, for lands located on the east side of DiCenzo and south of Stone Church Road East; Ryckman's Neighbourhood**

The agent was present in support of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1993 July 13, the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-13, DiCenzo Construction Company Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family dwellings, for the lands located east of Dicenzo Drive and south of Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. **Zoning Application 93-15, Mr. and Mrs. Russell McCrory, owners, for changes in zoning from "AA" District to "B" District (Block "1") and "C" District (Block "2") for lands located at No. 631 Rymal Road West; Carpenter Neighbourhood**

Serge Manchia was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1993 June 25, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-93-15, Mr. and Mrs. Russell McCrory, owners, requesting changes in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District (Block "1"), and to "C" (Urban Protected Residential, etc.) District (Block "2"), to permit development of the subject lands for single-family dwellings, for property located at No. 631 Rymal Road West, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27-E for presentation to City Council; and

- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
5. Zoning Application 93-12, Robert Leggat, owner, for a change in zoning from "AA" District to "DE-2" District, for lands located at the north-west corner of Limeridge Road East and Upper Gage Avenue; Lawfield Neighbourhood

A submission was received by Herman Turkstra on behalf of Grace Villa Nursing Home.

Helen Peltham was present on behalf of the Grace Villa Nursing Home which is opposed to the application.

Paul Mallard advised that the application is to permit an 8-storey multiple dwelling. He explained that a similar application was made in 1988 in which approval was recommended but was subsequently withdrawn. The application is compatible and suitable with the surrounding area.

Helen Peltham disagreed that the application is compatible with the surrounding area. She stated that the 8-storey building is too high and will cast a shadow on the outside seating area of the Grace Villa which is used by the seniors. She stated that there can be as many as 51 units on the site which will generate a great deal of traffic. She suggested that a 3 to 4 storey building be permitted.

Mr. & Mrs. Mastrangeli, owners of 831 and 835 Limeridge Road East were present and stated that an 8-storey building on the site is too high.

Joe Finnnochio was present on behalf of the applicant. He stated that the building will most likely be a seniors building.

A discussion ensued regarding the configuration of the building.

Alderman Merling suggested that the building be limited to 4-storey which is in keeping with the neighbourhood plan and that the by-law be held in abeyance pending a site plan.

Alderman Eisenberger suggested that the skills of the Urban Design Committee be used to determine the effects of shadowing.

After a brief a discussion the Committee moved to recommend to Council the following recommendation:

- (a) That approval be given to amended Zoning Application 93-12, Robert Leggat, owner, requesting a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District modified, to permit a multiple dwelling (apartment building) not exceeding four stories in height, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "C", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;
- (ii) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1) That Section 10B(1)(v) of Zoning By-law No. 6593 shall not apply;
 - (2) That notwithstanding Section 10B(2)(ii) of Zoning By-Law No. 6593, no building or structure shall exceed four (4) stories in height;
 - (iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S - 1314, and that the subject lands on Zoning District Maps E-38A and E-38B be notated S - 1314;
 - (iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council; and
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-Law not be forwarded for passage by City Council until such time as the applicant/owner applies for and receives site plan approval.

* Alderman Charters opposed.

6. **City Initiative 91-H, for a general text amendment to Zoning By-law No. 6593, to introduce new regulations for public parking lots, respecting front yard setback and landscaping requirements.**

Submissions were received from the following:

- (a) Peter Baker, Parking Authority, 80 Main Street West, Hamilton
- (b) Earl McCausland, Citipark, 92 King Street East, Suite 250, Hamilton
- (c) Greg Fraleigh, Grindstone Properties Ltd., P.O. Box 1120, Waterdown

The Committee moved to table the report of the Commissioner of Planning and Development dated 1993 July 14 to the first Planning and Development Committee meeting of October 1993.

7. **Renaming of Gondola Street to Duncairn Crescent in the Gourley Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1993 July 14, the Committee recommended to Council as follows:

- (a) That a proposed by-law to rename Gondola Street to Duncairn Crescent in the Gourley Neighbourhood be enacted by Council; and
- (b) That the property owners on Gondola Street, Canada Post and all emergency services be provided with a written notice of the effective date of the name change.

8. **GO TRANSIT**

(a) **GO Advisory Committee Report**

As recommended in a report dated 1993 July 7, the Committee recommended to Council as follows:

- (a) That the Minister of Environment be requested to direct GO Transit to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
- (b) That GO Transit be requested to seek authorization from the Ministry of the Environment to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
- (c) That the Ministry of the Environment and GO Transit be requested to hold in abeyance the decision regarding the Victoria Avenue layover yard until such time as the full Environmental Assessment is completed for all sites; and
- (d) That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of this report.

(b) **Chief Administrative Officer and Commissioner of Planning and Development's Report**

As recommended in a report dated 1993 July 15, the Committee recommended to Council as follows:

- (a) That the City support the recommendations of the Advisory Committee on GO Transit, as contained in their report dated 1993 July 7;
- (b) That the City advise GO Transit and the Ministry of the Environment that:
 - i. A full assessment of all alternative sites for the proposed layover yard for the Hamilton GO Transit Centre be undertaken; and
 - ii. The City remains otherwise committed to the expansion of GO Transit service to Hamilton.
- (c) That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of this report.

9. **SECRETARY, LACAC**

(a) **712 Main Street East - Heritage Permit Application for proposed addition to Hamilton Regional Indian Centre**

Marie Kachmarsky was present in support of the application.

Nina Chapple explained the proposal to the Committee and illustrated with a model which shows that the addition will be compatible with the existing structure. The application conforms in all respects except for a 5 foot reduction in the yard setback which will go to the Committee of Adjustment.

Warren Mills of the Heritage District Association and resident of 117 St. Clair Avenue was present. He stated that the St. Clair area is one of the few heritage districts in Ontario. He questioned the suitability or need for their facility in the area. He was also concerned about future uses of the building.

The architect explained that parking requirements are being met and that the 13 feet setback is consistent with other structures in the neighbourhood.

Zygmunt Cwierdzuski of 131 St. Clair Avenue was concerned about newspaper reports that the building will house people with problems and 100 volunteers will work from the building. He stated that the residents want to maintain the integrity of the neighbourhood and this is an overintensification of use.

David Beland of 182 St. Clair Avenue was concurred with parking overflow and the use of the building. He suggested a public meeting be held.

Paul Mallard advised that the proposed use is in compliance with the zoning by-law. The Committee is dealing with the design of the building.

After brief discussion the Committee forwarded to Council the recommendation from LACAC dated 1993 July 12 as follows:

(b) **Front Yard Parking Regulations - Review requested for Designated Residential Properties and Older Neighbourhoods in Hamilton**

That recommendation of the LACAC Committee dated 1993 July 12 to investigate alternatives to front yard parking for Designate residential areas and older neighbourhoods in the City of Hamilton be referred to staff for review.

10. **PREVIOUSLY TABLED**

Commissioner of Planning and Development - Zoning Application 89-57, Ascenzo Lepore - 236-250 Rymal Road West

Alderman D'Amico advised that staff and applicants did not come to a consensus but as an alternative the applicants will be satisfied with "R2" Zoning for Block 2 instead of "C" and an "H" Zoning provision for Block 1.

After brief discussion the Committee forwarded to Council the following recommendation:

That approval be given to amended Zoning Application 89-57, Ascenzo Lepore, owner, requesting changes in zoning from "AA" (Agricultural) District to "R-2" - 'H' (Urban Protected Residential - One and Two-Family Dwellings. etc - Holding) District (Block "1"), and to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District (Block "2"), to permit future development for single-family or two-family detached dwellings, on lands located at Nos. 236 - 250 Rymal Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., to Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "1" until municipal water and sewer services are available to the satisfaction of the Commissioner of Transportation and Environmental Services.

Removal of the holding restriction shall be conditional upon the availability of all such municipal water and sewers serving the subject lands to the satisfaction of the Commissioner of Transportation and Environmental Services. City Council may remove the 'H' symbol, and thereby give effect to the "R-2" District provisions as stipulated in this By-law by the enactment of an amending By-law once municipal water and sewer services are available.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "R-2" - 'H' (Urban Protected Residential - One and Two-Family Dwellings, etc. - Holding) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District to "R-2" (Urban Protected Residential One and Two-Family Dwellings, etc.) District;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-17D and W-17E for presentation to City Council;
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

11. CONSENT AGENDA

The Consent Agenda was passed in its entirety including an amendment to item G(a)(i)

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting held 1993 June 23 were approved as circulated.

REPORTS

The Planning and Development Committee forwarded to Council recommendations of various reports in the Consent Agenda as follows:

B. SECRETARY, LACAC

Heritage Easement Agreement - Whitehern dated 1993 July 12;

- (a) That approval be given by By-law for the City to enter into a Heritage Easement Agreement with the Ontario Heritage Foundation for the property at Whitehern at 41 Jackson Street West under Part 1V, Section 37 of the Ontario Heritage Act, 1989; and
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this Heritage Easement implemented pursuant to the provisions of the Ontario Heritage Act, 1989.

C. DIRECTOR OF PROPERTY

Termination of Lease - 1086 West 5th Street - Willis Lingelbach and Jean Lingelbach dated 1993 July 14:

- (a) That the existing Lease for 1086 West 5th Street between the City of Hamilton and Willis Lingelbach and Jean Lingelbach be terminated by the City in accordance with the six (6) month notice to terminate provision in the subject lease and that demolition of all structures at 1086 West 5th Street take place upon the City receiving vacant possession and costs for the demolition be charged to Account Centre No. CH 00201 (Reserve for Parkland).
- (b) That the City Solicitor be authorized and directed to prepare the necessary notice of termination of the Lease.
- (c) That the Director of Property be authorized and directed to enter into negotiations with Willis Lingelbach and Jean Lingelbach for the purpose of obtaining an early vacant possession date of October 31, 1993.

D. DIRECTOR OF PUBLIC WORKS

Barton Street B.I.A. - Proposed Budget and Schedule of Payments for 1993 dated July 7:

- (a) That the 1993 operating budget of the Barton Street B.I.A. be approved in the amount of \$5,000.
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1993 budget as referenced in (a) above; and
- (c) That the following Schedule of Payments for 1993 be approved:

01 August 1993
01 November 1993

Note: 1992 Levy Arrears will be deducted from the two payments for 1993.

E. SENIOR DIRECTOR, ROADS DEPARTMENT

Claudette Gardens, Phase 4 - Cash in Lieu of 5% Parkland Dedication dated 1993 July 9:

That the City of Hamilton accept the sum of \$10,430. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 4, (west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood), this being the cash payment required under Section 50 of the Planning Act.

F. BUILDING COMMISSIONER**(a) New Building By-law under the Building Code Act 1992 dated 1993 July 13:**

That a By-law be enacted to amend By-law 85-86 regulating building permit and fees, in accordance with the Building Code Act 1992.

(b) Hamilton Emergency Loan Programme, 101 Balmoral Avenue North dated 1993 July 13:

That a Hamilton Emergency Loan (H.E.L.P) in the amount of two hundred and fourteen dollars (\$214) be approved for Bonnie Reid, 101 Balmoral Avenue North, Hamilton. The interest rate will be 8 percent amortized over two years.

(c) Commercial Loan Program reports dated 1992 July 13:**i. 440 Barton Street East**

That a Commercial Facade Loan in the amount of twenty-five thousand dollars (\$25,000.) be approved for Joseph Bujan, 440 Barton Street East, Hamilton. The interest rate will be 3 percent, amortized over ten years.

ii. 1016 King Street West

That a Commercial Loan in the amount of ten thousand dollars (\$10,000.) be approved for Karen Zizzo, 1016 King Street West, Hamilton. The interest rate will be 3 percent, amortized over 10 years.

(d) Heritage Programme**i. 128 St. Clair Avenue dated 1993 July 8:**

That a Designated Grant in the amount of three thousand dollars (\$3,000.) be provided to Bryan and Mary Markham, 128 St. Clair Avenue, Hamilton.

ii. 188 Markland Street dated 1993 July 13:

That a Designated Grant in the amount of six hundred and eighty (\$680.) be provided to Zen Masniak, 188 Markland Street, Hamilton.

(e) Various Demolition Permits dated 1993 July 13:

That the Building Commissioner be authorized to issue Demolition Permits for the following:

- (a) 30 Clyde Street
- (b) 16 Lancaster Street
- (c) 38 Miles Road
- (d) 184 Province Street North
- (e) 1285 Upper Gage Avenue

G. COMMISSIONER OF PLANNING AND DEVELOPMENT(a) **Site Plan Applications**

i. **Site Plan Applications Site Plan Application DA-90-100 (ZA-90-06) Agommen Group 1 Ltd., owner, of lands known as 260-280 King Street East; Beasley Neighbourhood dated 1993 July 12:**

A. That approval be given to Site Plan Control Application DA-90-100 by Agommen Group 1 Ltd., owner of lands known as 260-280 King Street East for a residential condominium and community shopping complex subject to the following:

- (a) modification to the plan in relation to notes, dimensions and number of parking spaces as marked in red on the plan;
- (b) submission of a revised grading plan to the satisfaction of the Senior Director of Development, Roads Department;
- (c) modification to the plan to clarify the layby, sidewalk location, and building overhang along King Street as marked in red on the plan;
- (d) dedication of approximately 4.572 m (15ft.) along King Street for the proposed layby and sidewalk;
- (e) provision of the appropriate encroachment and paving agreements with the Region for the proposed layby, sidewalk, and building overhang at the cost of the owner;
- (f) that the revised plans be incorporated into a Site Plan Control Agreement to be registered on title of the land, as required as a condition of approval of the Zoning Application; and further,

B. That in regard to Zoning Application ZA-90-06 the following resolution be forwarded to City Council for approval:

- (a) That Section 21. of the Sixteenth Report of the Planning and Development Committee to City Council on 1990 September 25, respecting Zoning Application ZA-90-06 by Agommen Group I Ltd., owner of lands located at 260-280 King Street East be amended as follows:
 - i. amend Section 21.(a)(i)(3) to modify the minimum landscape area from 698.0 m² (6,458 sq.ft.);
 - ii. add the following new clause as Section 21.(a)(i)(6):

"Notwithstanding Sections 18A(1)(a) and 18A(9), thirty two (32) of the required number of parking spaces for the residential/commercial project may be provided off the site, and partially within the adjacent road allowance".

- iii. delete Section 21.(c) in its entirety and substitute the following therefore:

"That the 'H' Holding Provisions of Section 36(1) of the Planning Act, R.S.O., be added as a suffix to the modified Zoning District applicable to the subject lands. Removal of the holding provision shall be conditional upon the applicant/owner receiving approval of a site plan for the subject lands and it's registration on title."

ii. **Site Plan Application DA-93-10 (ZA-92-08) Faith Evangelical Lutheran Church of Hamilton, owner, of lands at 1907 King Street East; Bartonville Neighbourhood dated 1993 July 6:**

That Site Plan Control Application DA-93-10 by Faith Evangelical Lutheran Church of Hamilton, owner of lands at 1907 King Street East, for development of a 32 unit seniors residential complex be denied on the basis that the proposed development is not permitted by the zoning regulations.

iii. **Site Plan Application DA-92-63, Dr. Jung Y. Mah, owner, of property located at 674 Upper James Street; Bonnington Neighbourhood dated 1993 July 9:**

- (a) That approval be given to Site Plan Control Application DA-92-63, by Dr. Jung Y. Mah, owner of property located at No. 674 Upper James Street for redevelopment of the existing structure and property for a dental office and residence for a modification to the approved plan to adjust the westerly planting strip and ramp location as shown on the plans; and further:
 - (b) That in regard to Zoning Application ZA-92-26, the following resolution be forwarded to City Council for approval;
 - (c) That Item 33.A. of the Fifteenth Report of the Planning and Development Committee to City Council on 1992 August 25, respecting Zoning Application ZA-92-26 by Jung Y. Mah, for lands at 674 Upper James Street be amended as follows:
 - i. amend Item 33.A.(b)(vi) by amending the width of the required landscaped strip from "1.5 m" to "1.0 m" in width.

(b) **Modifications to Hamilton Official Plan Amendment No. 113 - Hamilton Beach dated 1993 July 13:**

- (a) That the following modifications, for the purpose of clarification, be made to Schedule "B" of Amendment No. 113 to the City of Hamilton Official Plan:
 - (i) Label the thick black line to the north east of Hamilton Beach and Confederation Park as "Special Policy Area 10";
 - (ii) Delete the thick black line to the south west of Hamilton Beach from "Special Policy Area 10";
 - (iii) Label "Special Policy Area 10a"; and,
 - (iv) Add to the legend of Schedule "B" after "Special Policy Area 10a" refer to Policy A.2.9.3.8" the following "and delete from Special Policy Area 10".

- (b) That the City Clerk request the Hamilton-Wentworth Region to incorporate these modifications as part of O.P.A. No. 113.
- (c) **Fonthill Walkway - Authorization for a Public Meeting; Fessenden Neighbourhood**
The Committee approved the recommendation dated 1993 July 12 to authorize a public meeting to discuss the walkway between Fonthill Road and Upper Paradise Road.
- (d) **Private Watermain, Mount Albion Road and Mud Street, Albion Falls Neighbourhood dated 1993 July 13;**
 - (a) That the Region of Hamilton-Wentworth be advised that the City of Hamilton is not opposed to the extension of watermain approximately 535 metres north of Stone Church to Mud Street provided:
 - (i) the landowners fund the costs of project; and,
 - (ii) the owners of 36, 52 and 56 Mud St. enter into an agreement with the City, subject to the satisfaction of the City Solicitor recognizing that the watermain is for the existing homes only and will preclude any further development or major redevelopment.
 - (b) That the City Clerk be directed to request the Region to receive Niagara Escarpment Commission comments on the proposal, as the lands are within their Development Control Area.

H. SECRETARY, PLANNING AND DEVELOPMENT

Information Item

As recommended in a report dated 1993 July 14, the Committee received the following report and correspondence for information purposes:

Commissioner of Planning and Development - Approved Site Plan Control Applications dated July 12, 1993.

12. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Application DA-93-14 (DA-91-53), Grindstone Properties Ltd., owner, of lands known as 18-24 James Street South; Central Neighbourhood

Upon the request of the applicant the Committee moved to table the report dated 1993 July 13 to the Planning and Development Committee meeting of October 1993.

13. BUILDING COMMISSIONER

(a) Tiger Cat Rental Outlet, Lloyd D. Jackson Square

The Committee was in receipt of a report dated 1993 June 28.

John MacDonald was present on behalf of the Tiger Cat Club. He cited Ronald MacDonald House as an example where fees were exempted.

A discussion ensued regarding setting a precedent for non-profit organizations wanting to receive an exemption from Building fees.

After some discussion the Committee moved to forward the following resolution for Council's consideration:

That the Building Commissioner be directed to waive the payment of \$150 in building permit fees from the Hamilton Tiger Cats regarding the outlet at 100 King Street West (Jackson Square), in the like manner as Ronald MacDonald House.

(b) **Refund Policy Administrative Fee of Zoning Verification and Property Reports**

As recommended in a report dated 1993 July 12 the Committee recommended to Council as follows:

That the Building Commissioner be authorized and directed to refund the following administrative fees:

Type of Zoning Verification /Property Report	Percentage of Refund
(a) 48-hour express service	100 percent if the certificate of zoning verification/property report is not issued with 48 hours (refund \$120)
(b) normal service	50 percent if the certificate of zoning verification/property report is not issued within 10 working days (refund \$40)

14. **MANAGER OF PURCHASING**

Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.I.N.T.) - Phase I Implementation

As recommended in a report dated 1993 July 20 the Committee recommended to Council as follows:

- (a) That a purchase order be issued to Aldershot Landscape Contractors Limited, Burlington, in the amount of \$346,198.50, including all taxes and a contingency of \$70,000, being the lowest of four tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
- (b) That this expenditure be financed through Central/Beasley PRIDE Account No. CF 5200-429002003 (\$75,000.) and Central/Beasley PRIDE H.INT. Account No. CF 5200-429102003 (\$271,198.50).
- (c) That a contract be entered into satisfactory to the City Solicitor.

15. **OTHER BUSINESS**(a) **Added Report**

Commissioner of Planning and Development: Bamberger House, 11-13 Holmes Avenue - Funding for Relocation and Structural Investigation.

As recommended in a report dated 1993 July 19, the Committee recommended to Council as follows:

In reference to Item #4 of the Sixth Report of the Planning and Development Committee Report (March 30, 1993) regarding the funding for relocation and structural investigation of the Bamberger House (11-13 Holmes Avenue), that the resolution be amended to delete Part (b):

Part (b) "that the City's contribution be conditional upon the other participants raising the balance of the total estimated project costs of \$24,045."

(b) **Paul Mallard requested approval for staff to attend an OMB Hearing.**

The Committee subsequently forwarded the following recommendation to Council:

That the appropriate staff from the Planning and Law Departments be directed to attend the Ontario Municipal Board Hearing scheduled for October 13, 1993 respecting Land Severance Application H-7-93 (11 and 15 Artistic Boulevard).

16. **ADJOURNMENT.**

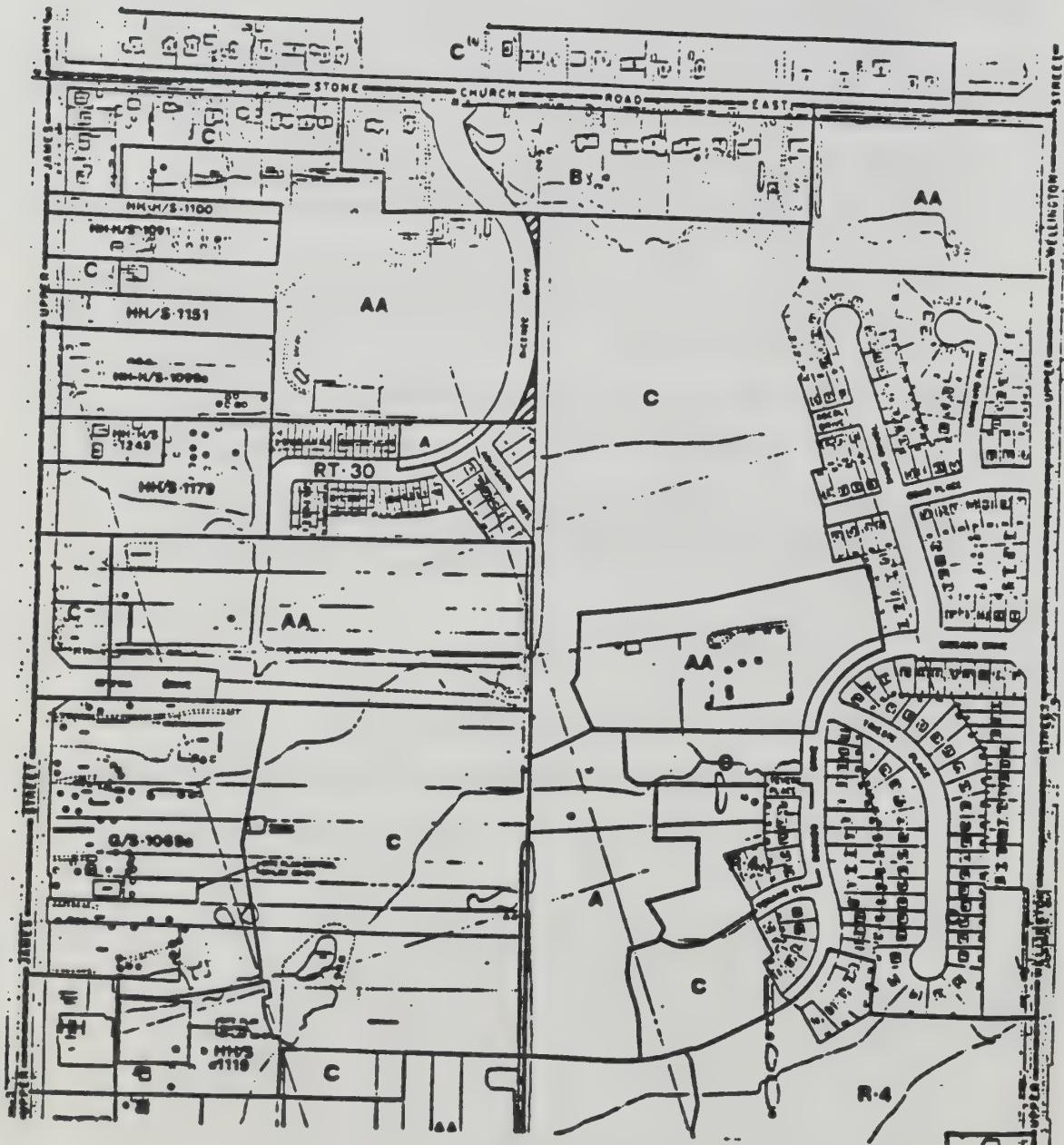
There being no further business the Committee meeting adjourned.

TAKEN AS READ AND APPROVED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

Tina Agnello, Secretary
1993 July 21

Appendix "A" as referred
to in Section 3 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 July 21



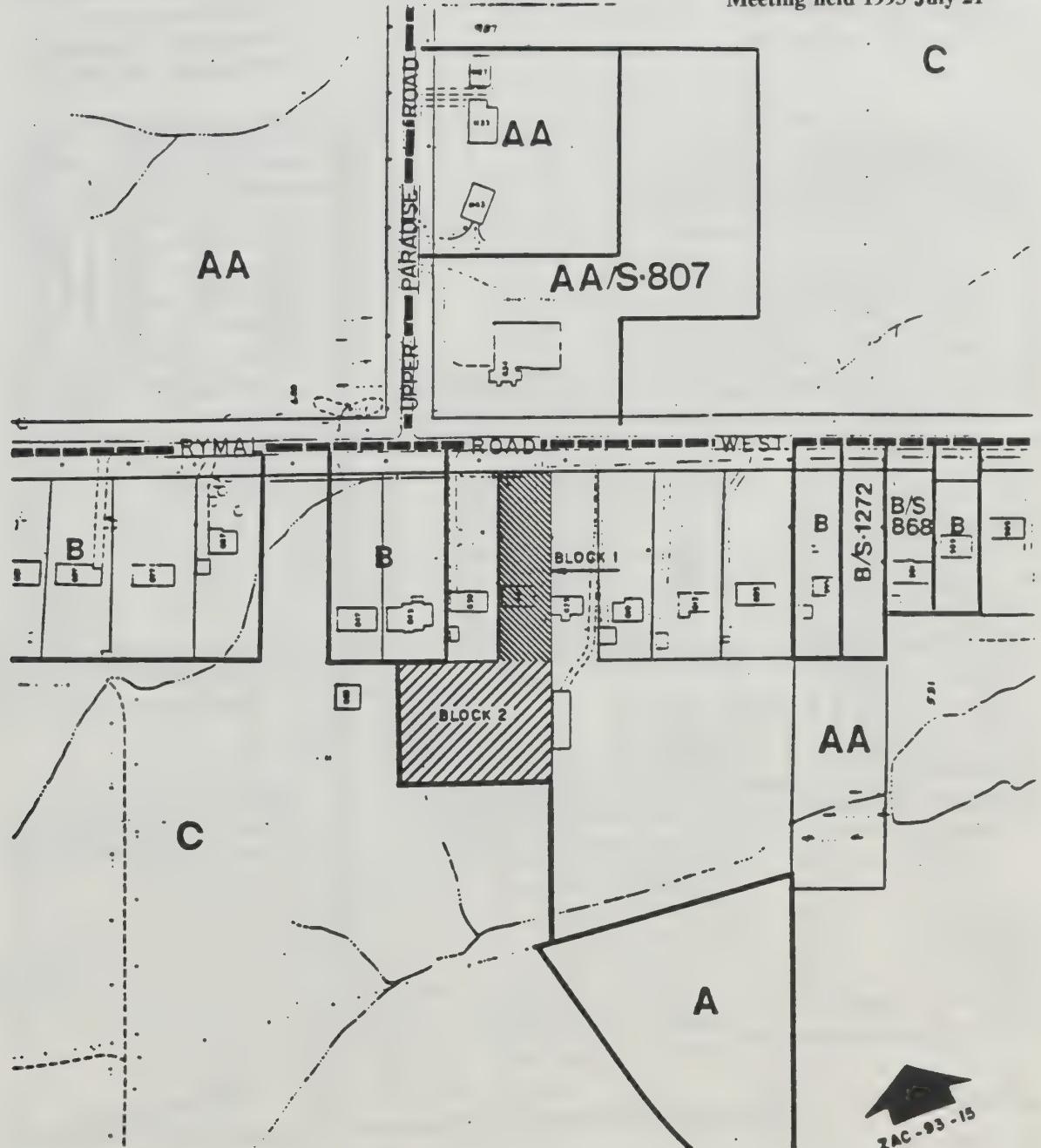
Legend



Site of the Application



Appendix "B" as referred
to in Section 4 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 July 21



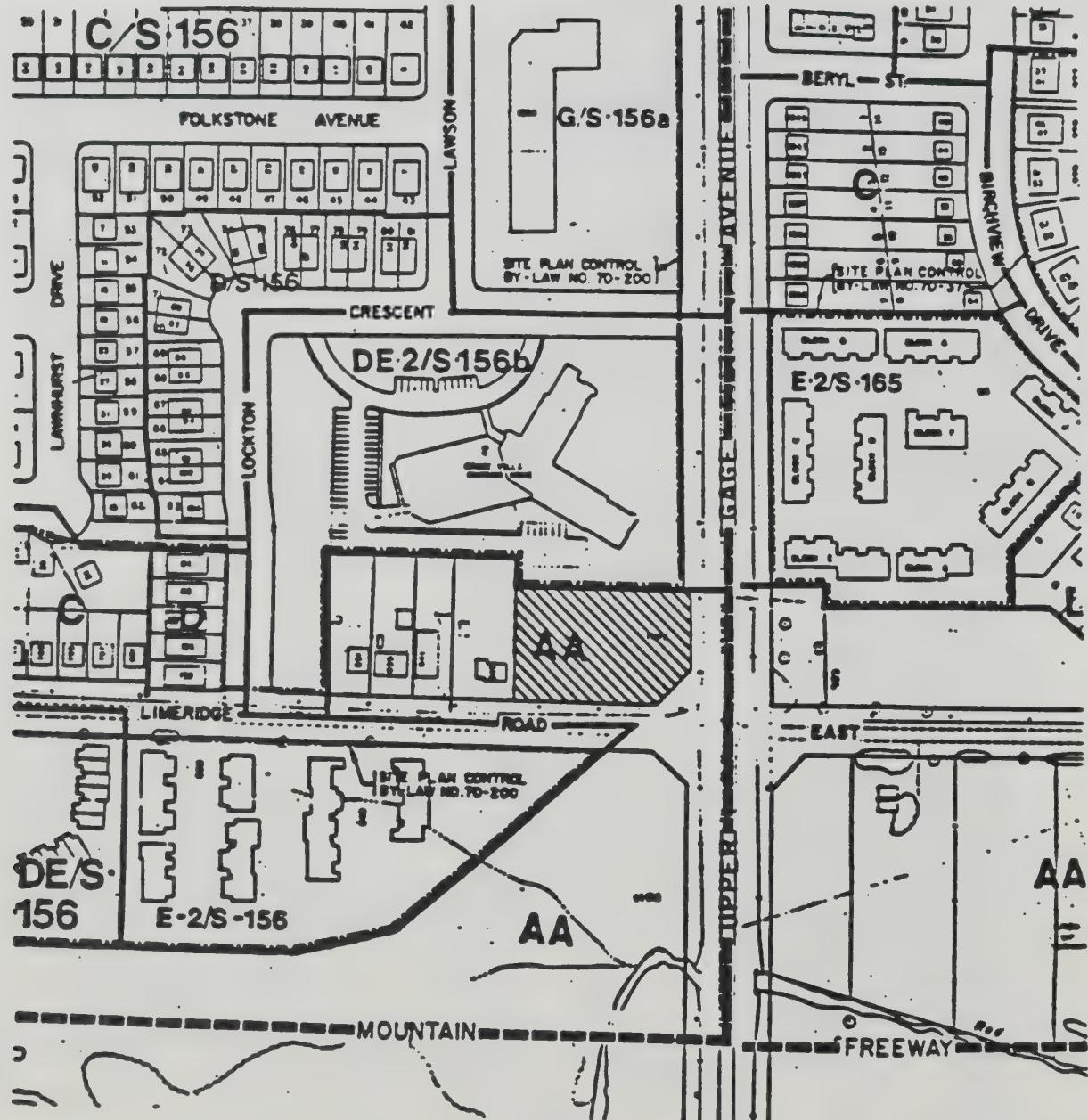
Legend

Change in zoning from "AA" (Agricultural) District to:

BLOCK 1 [Solid black square] "B" (Suburban Agriculture and Residential, etc.) District.

BLOCK 2 [Hatched square] "C" (Urban Protected Residential, etc.) District.

Appendix "C" as referred to
in Section 5 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 July 21



Legend

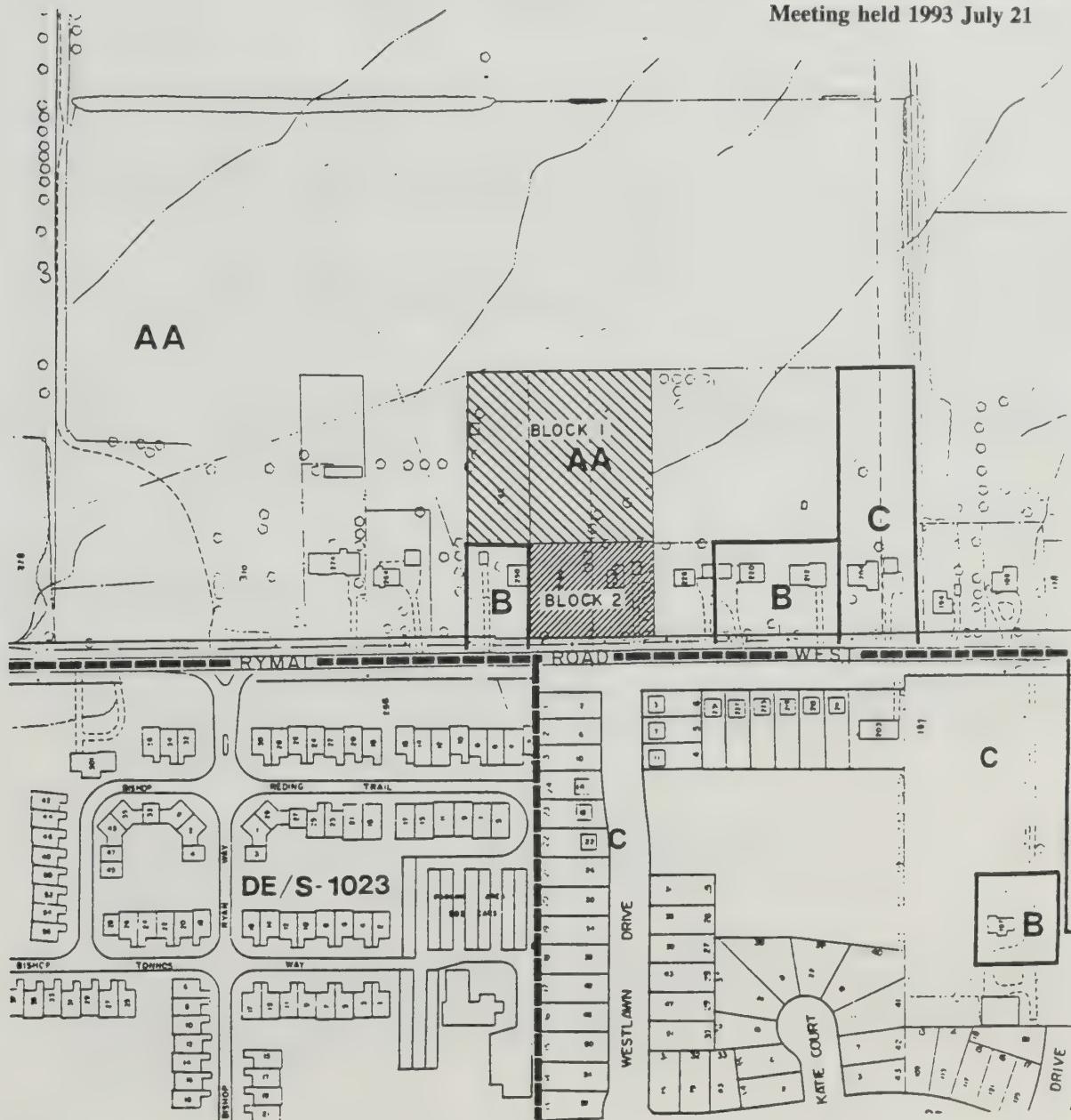


Site of the Application



ZAC-93-12

Appendix "D" as referred
to in Section 10 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 July 21



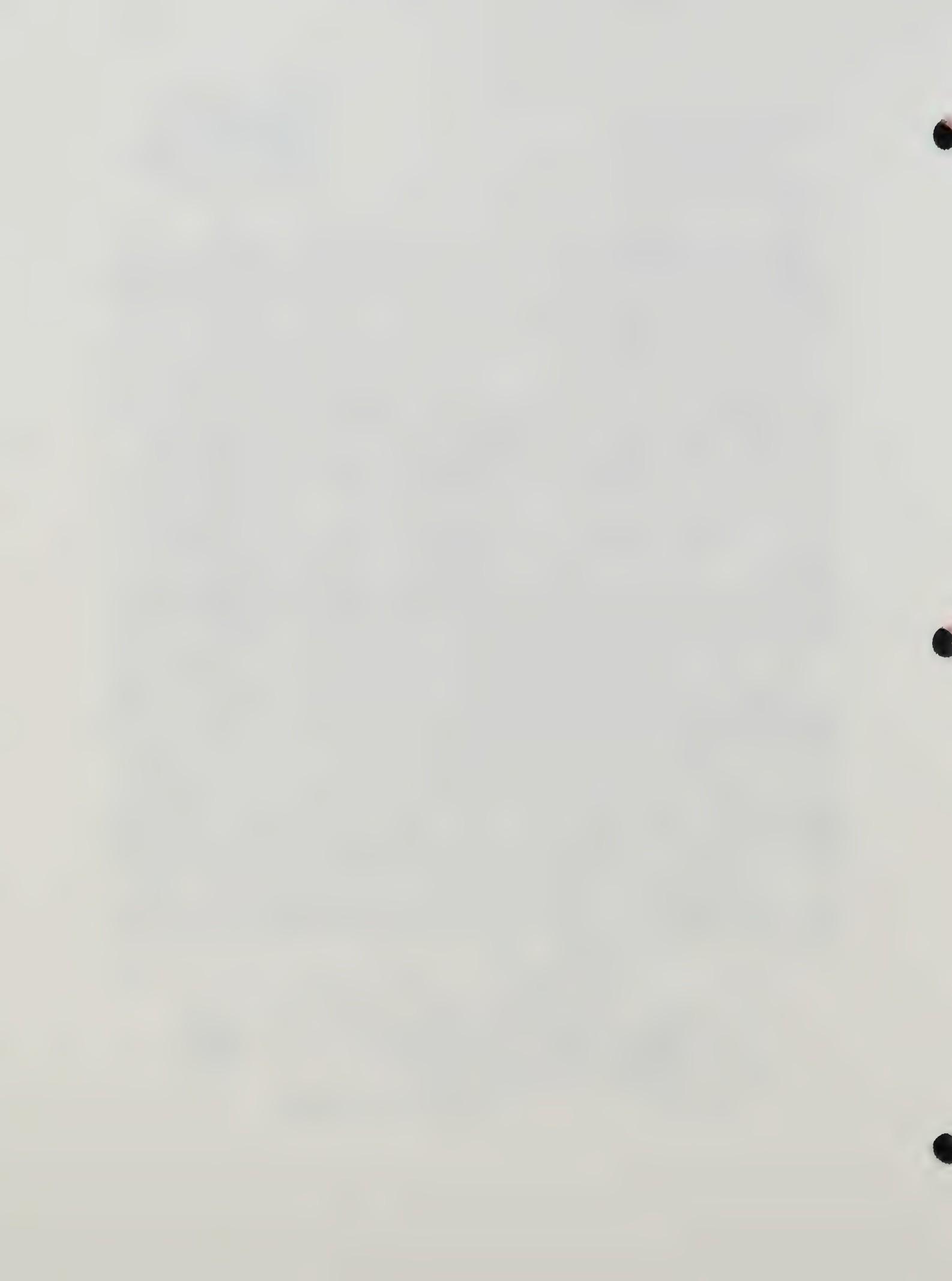
Legend

Proposed Changes in Zoning From "AA" (Agricultural) District to:

BLOCK 1 "R-2" - "H" (Urban Protected Residential - One and Two-Family Dwellings, etc. - Holding) District.

BLOCK 2 "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District.

ZA 89-57
AMENDED



B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 August 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Manager of Streets & Sanitation

RECEIVED

AUG 18 1993

SUBJECT: Fifth Annual Public Service Announcement
Competition; Phase IV of the Downtown Hamilton
Action Plan.

CITY CLERKS

RECOMMENDATION:

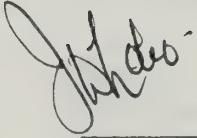
- a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Phase IV Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Craig Hogg, production of "Family"

Second Prize: Sharon Bacon, production of "Out-of-Site"

Third Prize: Sandi Krempa, production of "Time"

- b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700., second prize at \$500. and third prize at \$200. and a donation to Mohawk College Media Studies Department of \$1000. for development of the videos and use of equipment.


Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

BACKGROUND:

In co-operation with Mohawk College, Media Studies Department and CHCH-TV Channel 11, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Programme. The theme for the Public Service Announcements is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on CHCH-TV Channel 11 on a regular basis. A strong partnership between Hamilton City Council, the Keep Hamilton Clean Committee, the Downtown Action Plan Co-ordinating Committee, Mohawk College Media Studies Department and CHCH-TV Channel 11 has proven to be extremely successful in providing the public with this message.

C (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 19, 1993

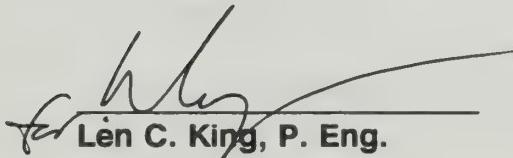
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len C. King, P. Eng.
Building Commissioner

SUBJECT: To Provide for Fences and Gates Around Outdoor Swimming Pools
By-Law 77-244

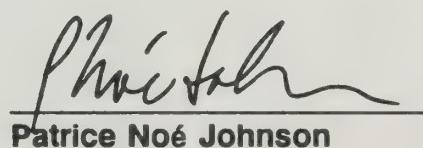
RECOMMENDATION:

That City Council enact a By-Law to amend By-Law 77-244 respecting the requirement for fences and pool enclosures for private swimming pools to remove the requirement for a building permit.



Len C. King, P. Eng.

LCK/WKW/zr



Patrice Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

By-Law 77-244 was enacted under the authority of The Municipal Act, R.S.O. 1970, to require that privately owned outdoor swimming pools be enclosed by fences and gates. The By-Law also required that all persons obtain a building permit, as per Building Code By-Law 76-119, to erect and maintain the fences and gates around privately owned outdoor swimming pools.

The Building Code Act and Regulations, have been amended since the passing of By-Law 77-244. The present Ontario Building Code does not require a person to obtain a building permit to construct a private swimming pool, other than a public pool as defined under Section 3.11. of the Building Code.

At the present time, when the public inquires about the construction of a private swimming pool, our Department will provide an information package to them which includes the Pool Enclosure By-Law, as well as the sections of Zoning By-Law 6593 pertaining to the location of the pool, pumping, heating, and filtering equipment.

The public is encouraged to apply for a Zoning Verification/Property Report certificate, in order to ensure that the location of the proposed pool is in compliance with the requirements of the Zoning By-Law.

This Department anticipates that our revenue from permits could be reduced in the amount of \$10,000 range per year. This shortfall could be recovered by requiring a permit to erect fences, however, this policy would definitely not be welcomed by the public, particularly under the present difficult economical environment. Furthermore, many homeowners probably already have fences erected around their property. Therefore, this Department would not recommend that a permit be required for erection of fences.

C(b)

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 12, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

SUBJECT: SAFETY OF BUILDING CONSTRUCTION SITES
(93.2.4.2.1.A) (BI-93-02)

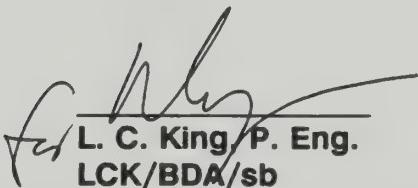
RECEIVED

AUG 16 1993

CITY CLERKS

RECOMMENDATION:

That the Building Department be authorized and directed to hold public meetings and establish and chair a Committee to draft a hoarding and fencing by-law, for fencing and hoarding around construction sites, as permitted in The Ontario Building Code Act, R.S.O. 1992, Chapter 23.



L. C. King, P. Eng.
LCK/BDA/sb

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

On July 1, 1993, the new Building Code Act was implemented. Within this Act is the authority for municipalities to pass by-laws requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition, and prescribing the height and description of the fences.

The Building Department regularly meets with representatives of the community involved in the construction and real estate industry. At the City's Building Liaison Meeting of June 22, 1993, it was recommended by the construction industry that public meetings be held and a Committee be established to draft a hoarding and fence by-law. It was further recommended that the industry be represented on this Committee, to assist in the writing of the by-law. This will include members of the Hamilton Construction Association and the Hamilton-Halton Home Builders' Association.

**Tina Agnello, Secretary
Planning and Development Committee**

- 2 -

July 21, 1993

grant programmes. A maximum loan of \$2,000 could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Evelyn Wood, 417 Fairfield Avenue North in the amount of \$1,552. The roof has been stripped and reshingled, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,552 at 8% interest and amortized over ten (10) years.

**c.c. R. Camani, Treasury Department
D. Powers, Law Department**

C(d)i

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
1012 KING STREET WEST (93.2.4.2.1.A)

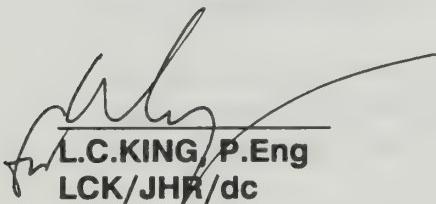
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000) be approved for John Mouskos. The interest rate will be 2 7/8 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

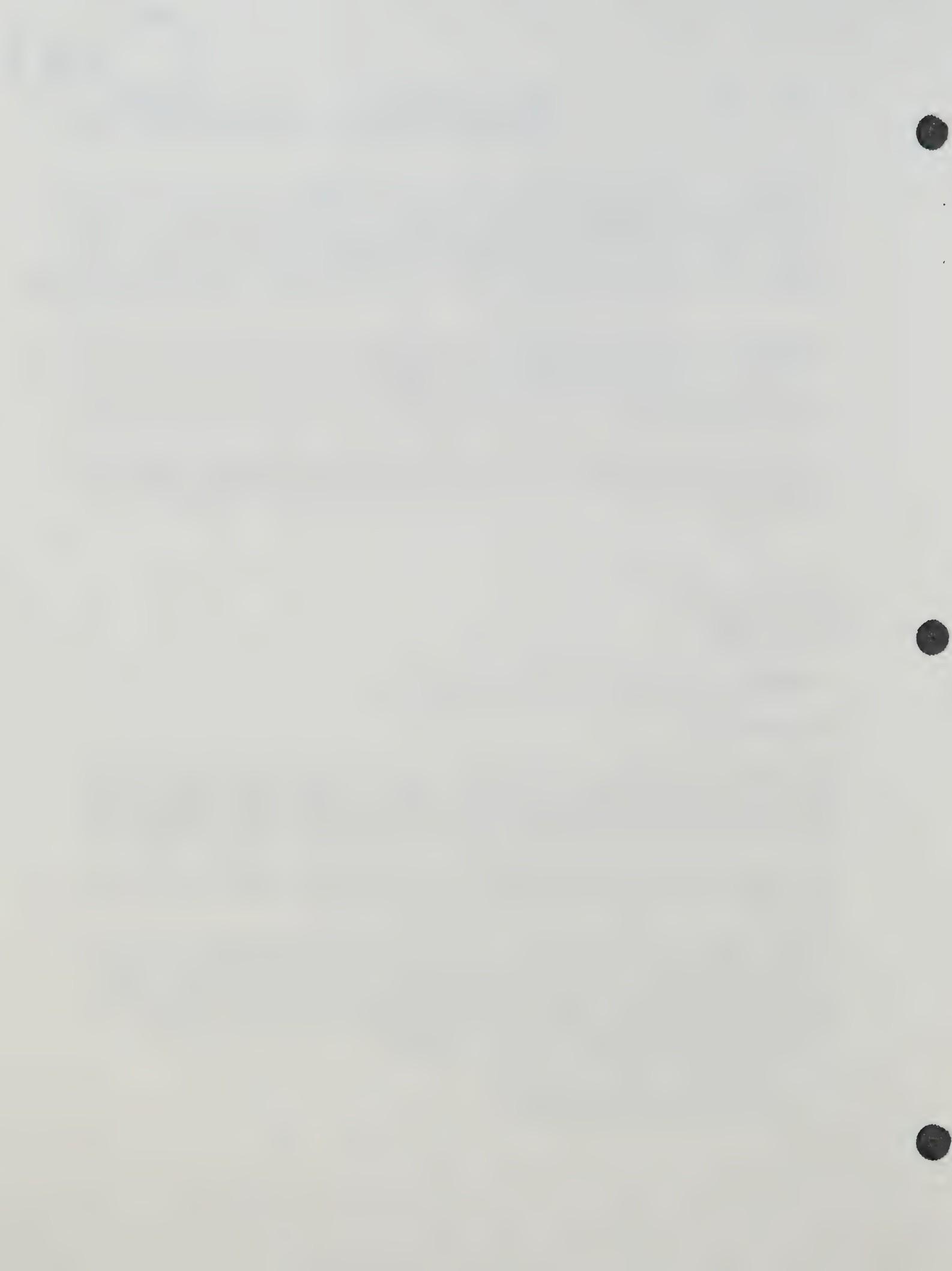
BACKGROUND:

The owner of 1012 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to John Mouskos for improvements to 1012 King Street West in the amount of \$25,000. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$239.98 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department



C (d)ii

CITY OF HAMILTON
- RECOMMENDATION -

DATE: July 21, 1993

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

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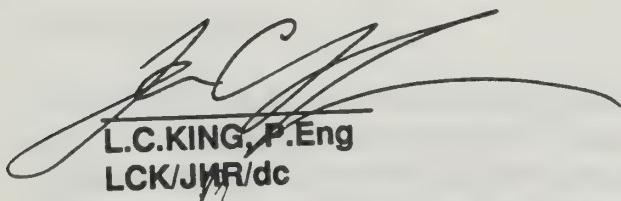
FROM: L.C. King, P.Eng.
Building Commissioner

CITY CLERKS

SUBJECT: COMMERCIAL LOAN PROGRAMME
294 OTTAWA STREET NORTH (93.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of thirteen thousand, seven hundred and twelve (\$13,712) be approved for Baba Tooma. The interest rate will be 2 7/8 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JMR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 204 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Baba Tooma for improvements to 294 Ottawa Street North in the amount of \$13,712. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$131.62 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

C(d)iii

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
321 - 341 OTTAWA STREET NORTH (93.2.4.2.1.A)

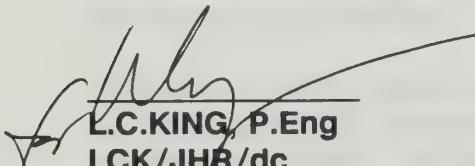
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That a Commercial Loan in the amount of six thousand and five hundred dollars (\$6,500) be approved for Joseph Patrick Finochio. The interest rate will be 2 7/8 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

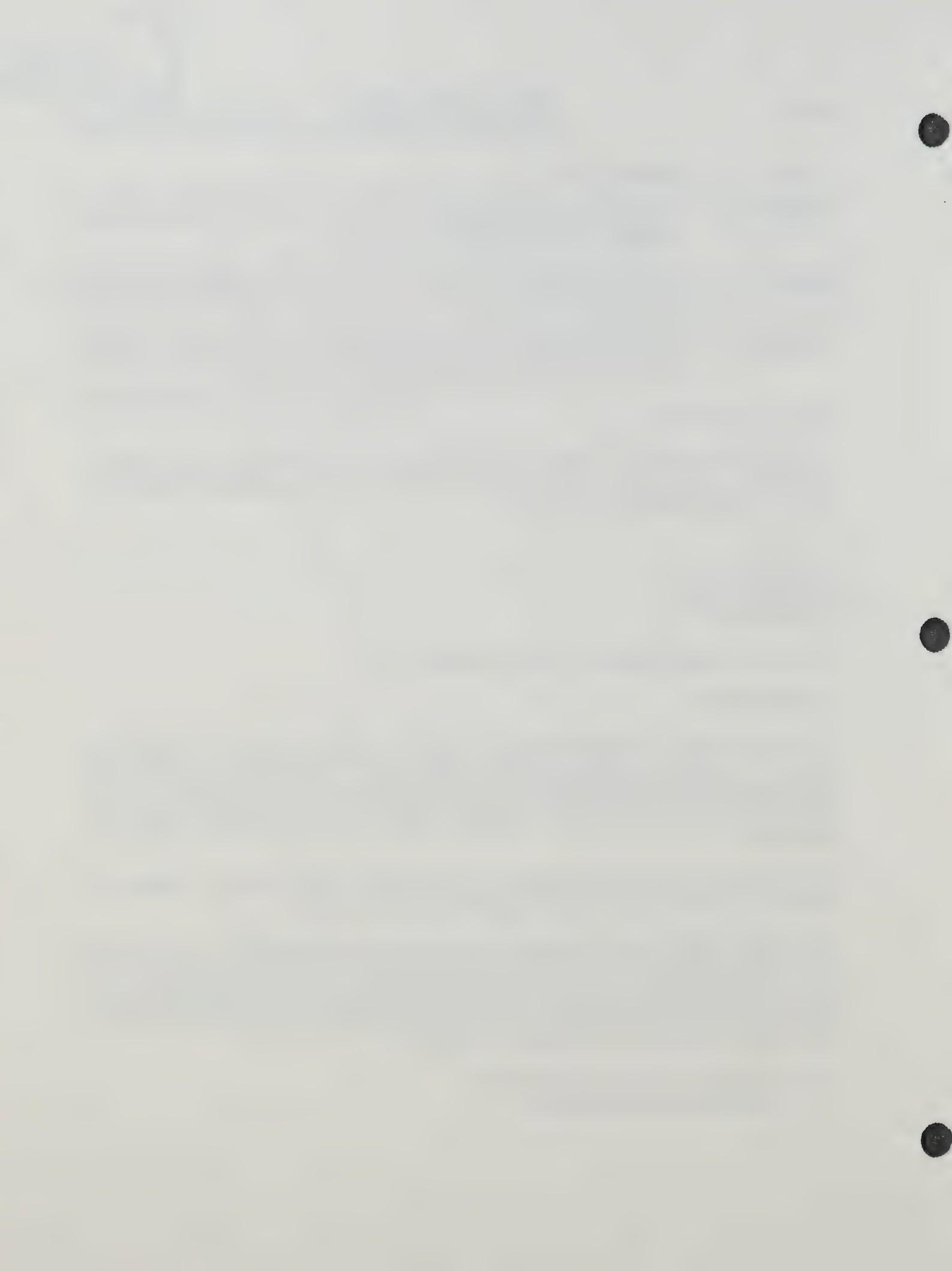
BACKGROUND:

The owner of 321 - 341 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Joseph Patrick Finochio for improvements to 321 - 341 Ottawa Street North in the amount of \$6,500. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$62.39 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department



C(e)i.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
124 MACNAB STREET NORTH (93.2.4.2.1.A)

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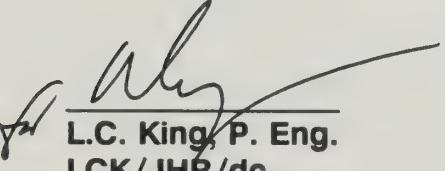
AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Department, Loans Division, was directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount four thousand and thirty-eight dollars (\$4,038) for Jeffrey Steadman, 124 MacNab Street South, Hamilton.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jeffrey Steadman, owner of 124 acNab Street North, in the amount of four thousand, one hundred and thirty-seven dollars (\$4,137) at 2 7/8 per cent interest amortized over a ten year period.

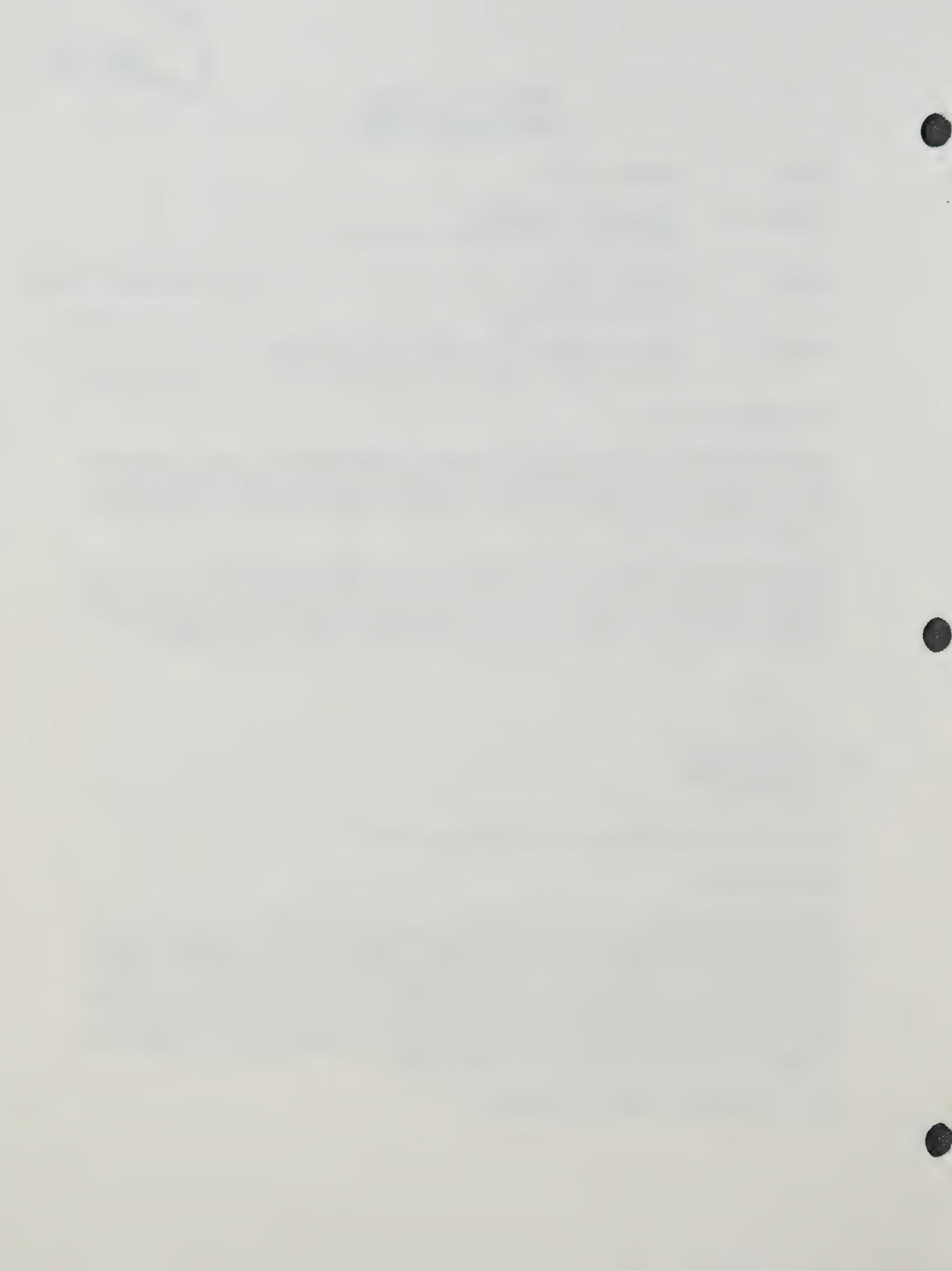

L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by August 31, 1993. The Province of Ontario will then notify the municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department



C(e)ii

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 16, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
126 MACNAB STREET NORTH (93.2.4.2.1.A)

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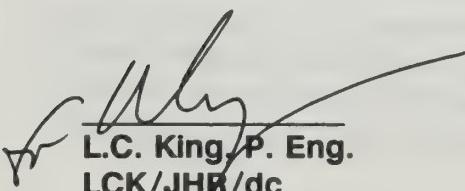
AUG 17 1993

RECOMMENDATION:

CITY CLERKS

That the Building Department, Loans Division, was directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount four thousand, eight hundred and thirty seven-dollars (\$4,837) for Jeffrey Steadman, 126 MacNab Street South, Hamilton.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jeffrey Steadman, owner of 126 MacNab Street North, in the amount of four thousand, nine hundred and thirty-seven dollars (\$4,937) at 2 7/8 per cent interest amortized over a ten year period.



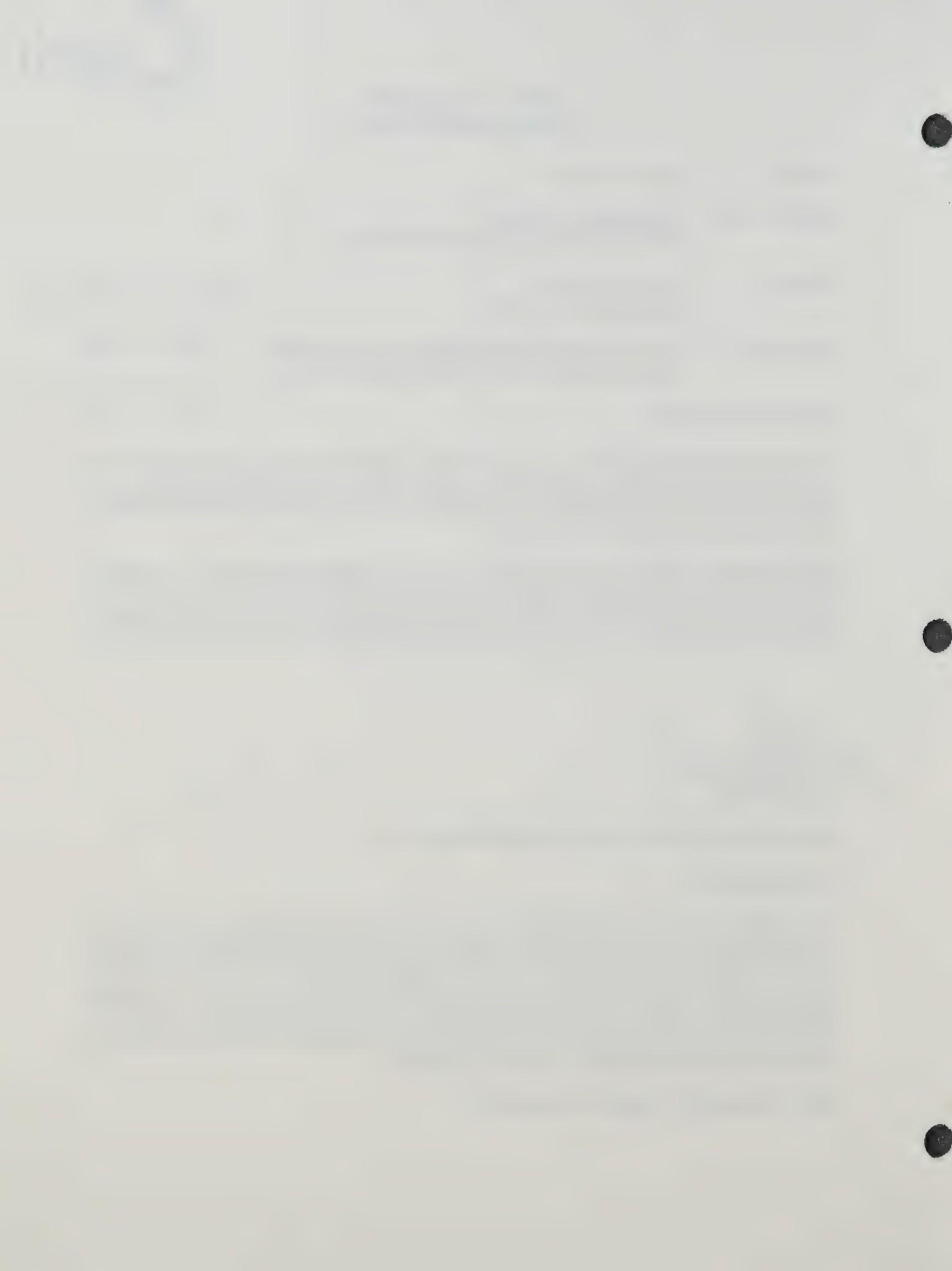
L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by August 31, 1993. The Province of Ontario will then notify the municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department



C(e)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 4, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

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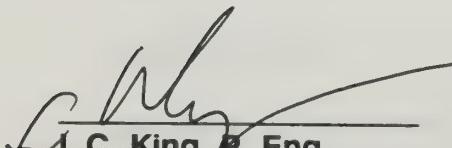
CITY CLERKS

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
260 MACNAB STREET NORTH, HAMILTON (93.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount three thousand dollars (\$3,000) for Jane and Paul Rigby, 260 MacNab Street North, Hamilton.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jane and Paul Rigby, owners of 260 MacNab Street North, in the amount of four thousand and three hundred dollars (\$4,300) at 2 7/8 percent interest amortized over a ten year period.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

August 4, 1993

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1993 August 31. The Province of Ontario will then notify the Municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department

C(e)v.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
185 DELAWARE AVENUE (93.2.4.2.1.A)

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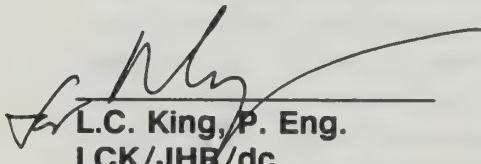
AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Department, Loans Division, was directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount two thousand, eight hundred and fifty-seven dollars (\$2,857) for Hazell Ross-lampietro and Gerald lampietro, 185 Delaware Avenue.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Hazell Ross-lampietro and Gerald lampietro, owner of 185 Delaware Avenue, in the amount of three thousand and fifty-seven dollars (\$3,057) at 2 7/8 per cent interest amortized over a ten year period.



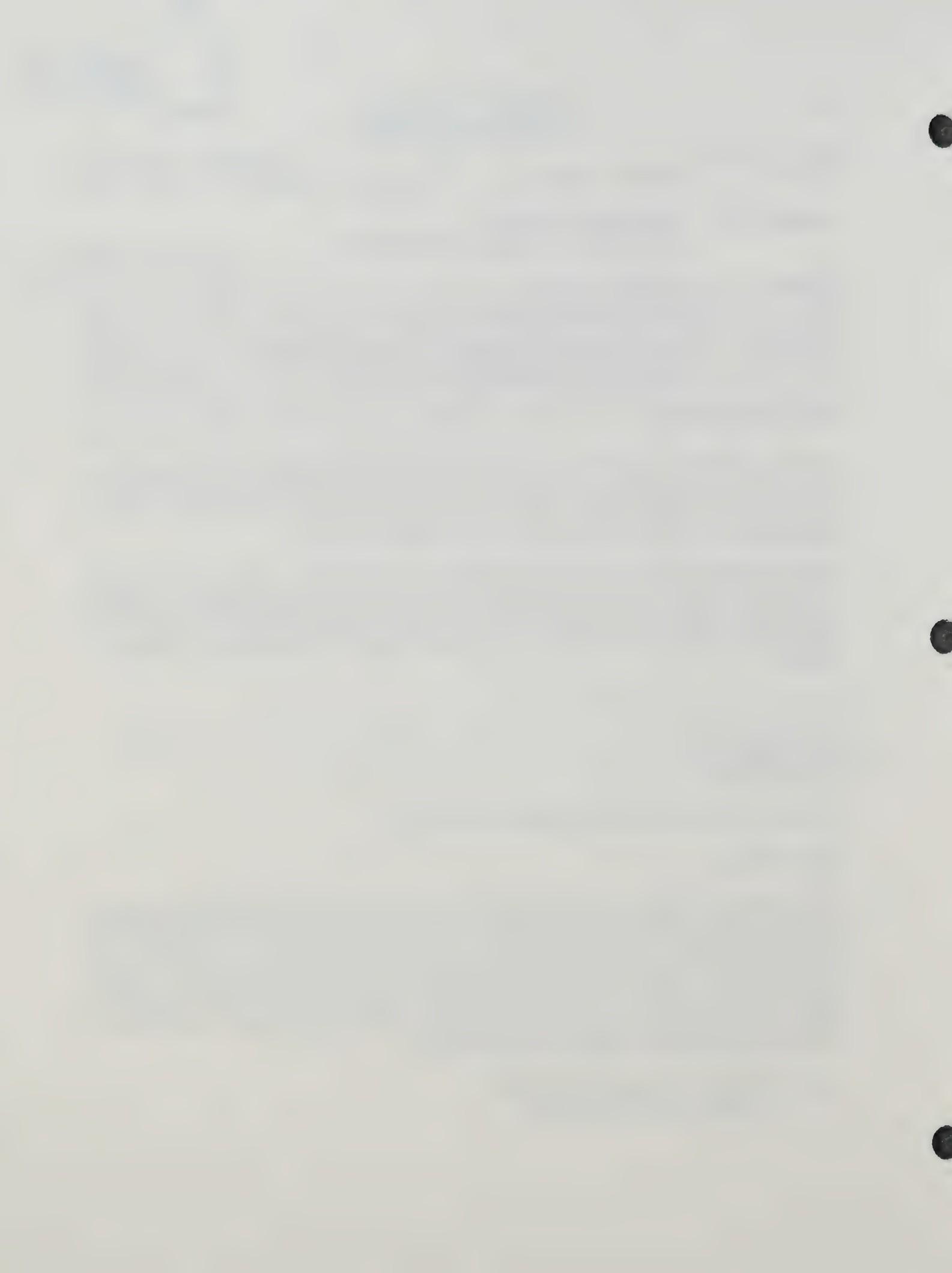
L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by August 31, 1993. The Province of Ontario will then notify the municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department
D. Powers, Law Department



CITY OF HAMILTON
- RECOMMENDATION -

C(e)vi

DATE: August 10, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
235 BOWMAN STREET (93.2.4.2.1.A)

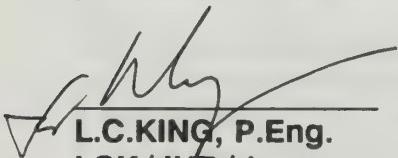
RECEIVED

AUG 10 1993

CITY CLERKS

RECOMMENDATION:

That a Designated Grant in the amount of three thousand dollars (\$3,000) be provided to the Hamilton Hebrew Academy, 235 Bowman Street, Hamilton.



L.C.KING, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

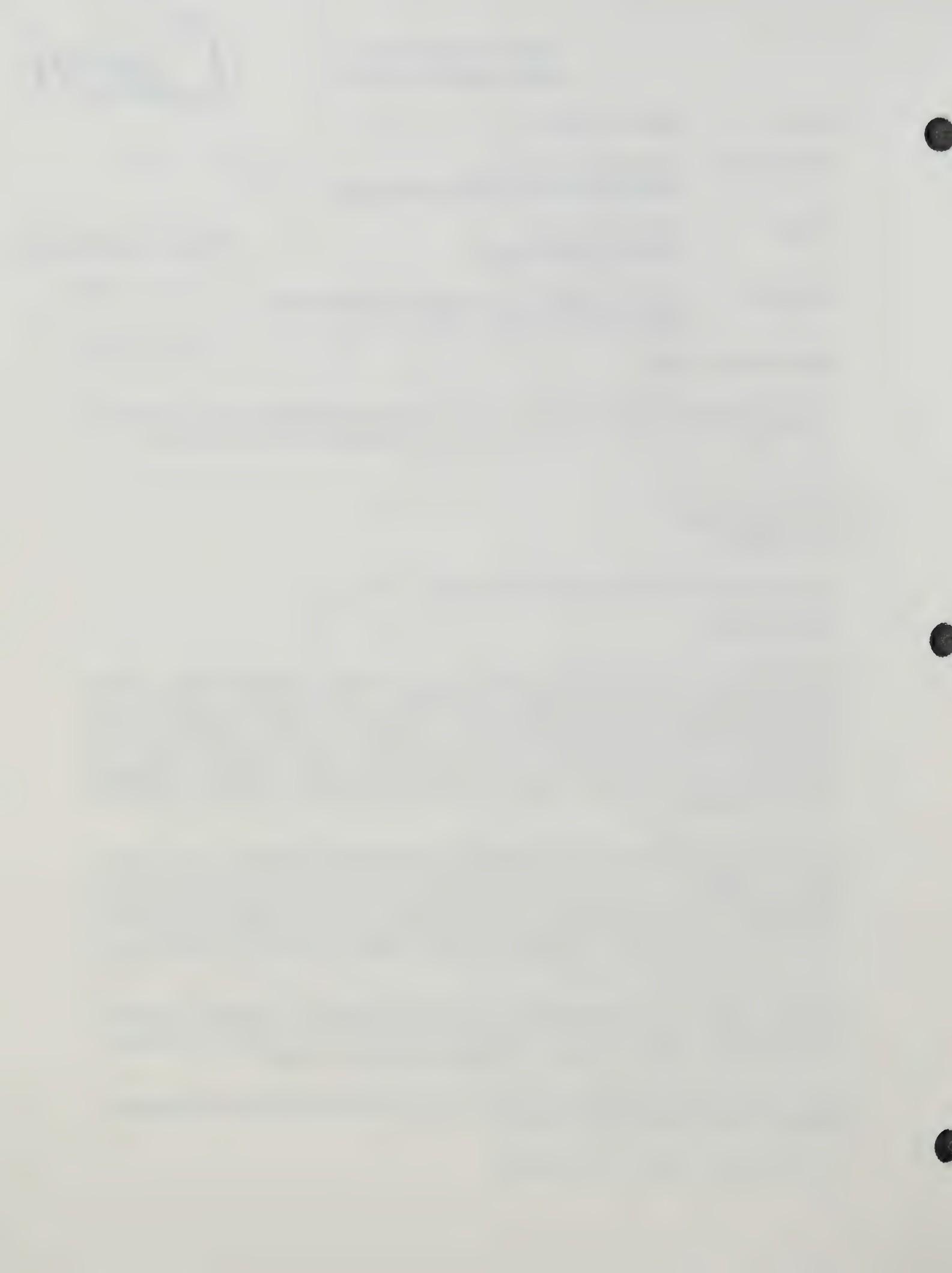
The Planning and Development Committee in a report dated December 6, 1982 approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000 for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 235 Bowman Street have applied under the Programme to replace the roof.

As per the terms of the Programme, the Local Architectural Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Hazelwood Development.

The Loans Section of the Building Department therefore recommends a Designated Property Grant in the amount of \$3,000.

c.c. R. Camani, Treasury Department



C (e) vii

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 10, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
172 - 176 LOCKE STREET SOUTH (93.2.4.2.1.A)

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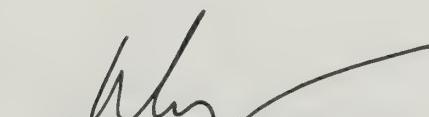
AUG 10 1993

CITY CLERKS

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount two thousand, three hundred and thirteen (\$2,313) for Heinz Ollesch, owner of 172 - 176 Locke Street South, Hamilton.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Heinz Ollesch, 172-176 Lock Street South, in the amount of two thousand, five hundred and fourteen dollars (\$2,514) at 2 7/8 per cent interest amortized over a ten year period.



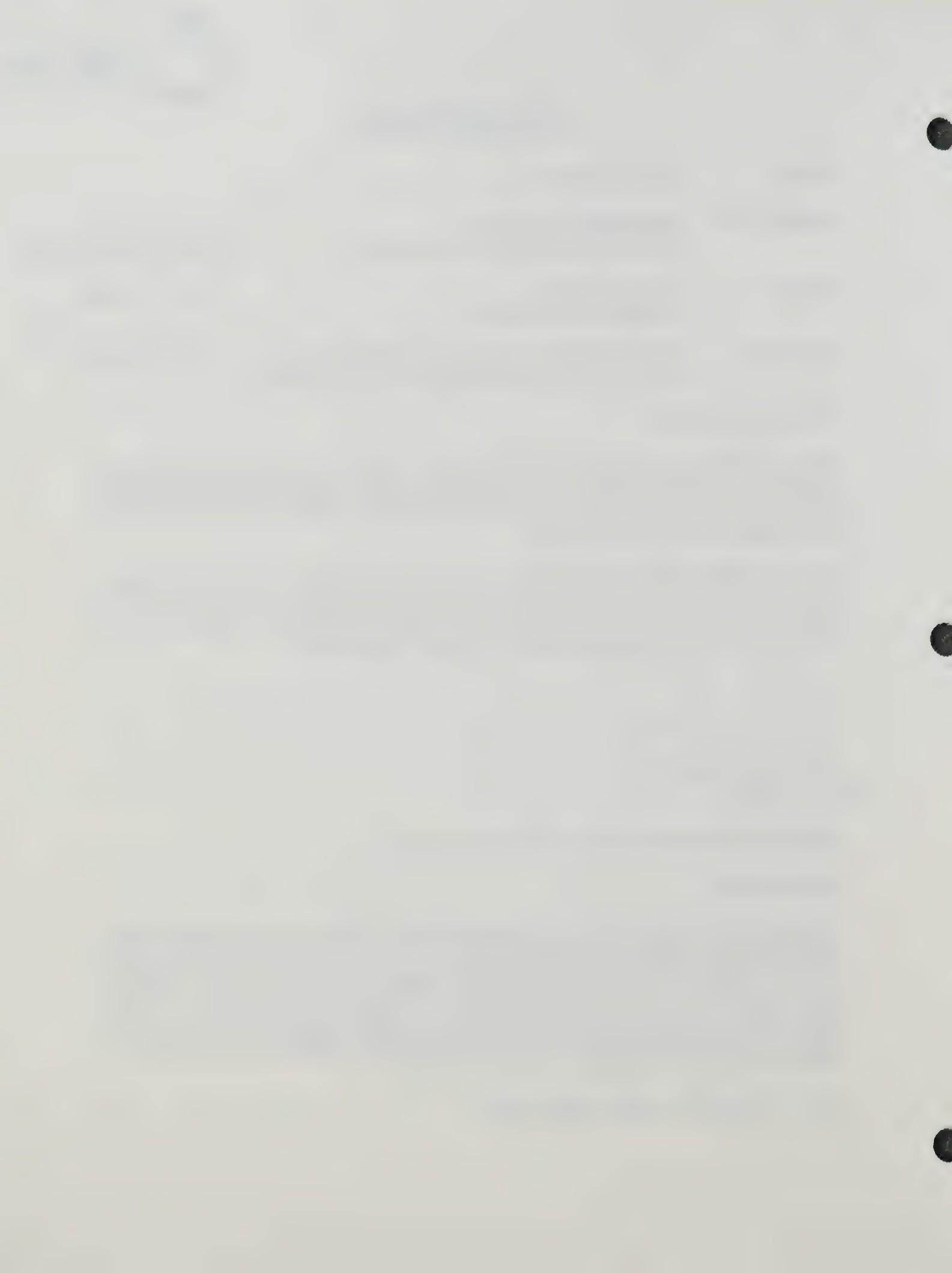
L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by August 31, 1993. The Province of Ontario will then notify the municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department



Cesviii

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: August 10, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
112 ABERDEEN AVENUE, HAMILTON (93.2.4.2.1.A)

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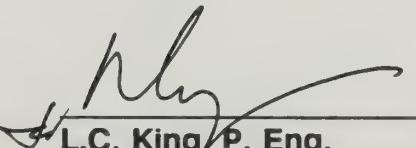
AUG 10 1993

CITY CLERKS

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount two thousand, nine hundred and twenty-nine (\$2,929) for Keltie Lynn Law, owner of 112 Aberdeen Avenue.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Keltie Lynn Law, 112 Aberdeen Avenue, in the amount of three thousand, one hundred and twenty-nine dollars (\$3,129) at 2 7/8 percent interest amortized over a ten year period.


L.C. King P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by August 31, 1993. The Province of Ontario will then notify the municipality which applications will be funded for the balance of the fiscal year.

c.c. R. Camani, Treasury Department



C(e)ix.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 3, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
74 GEORGE STREET, (93.2.4.2.1.A)

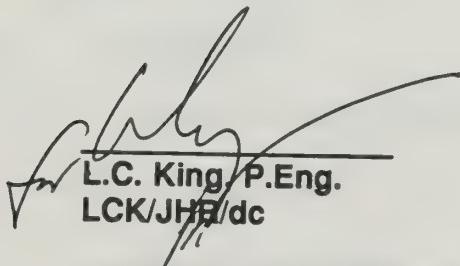
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AUG 05 1993

CITY CLERKS

RECOMMENDATION:

That a Designated Grant in the amount of six hundred and forty-nine dollars (\$649) be provided to Jane and Paul Rigby, 74 George Street, Hamilton.



L.C. King P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated December 6, 1982 approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000 for the purpose of implementing the Programme. The Province of Ontario, as per the terms of the executed agreement, will reimburse the municipality for funds advanced under the Programme, plus the 10% administration fee.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

August 3, 1993

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000 or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 74 George Street have applied under the Programme to repair and/or replace mouldings on entrance, windows and soffits.

As per the terms of the Programme, the Local Architectural Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of D. Thompson Construction.

The Loans Section of the Building Department therefore recommends a Designated Property Grant in the amount of \$649.

c.c. R. Camani, Treasury Department

C (f) i .

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1121 UPPER JAMES STREET
(93.1.1.A)

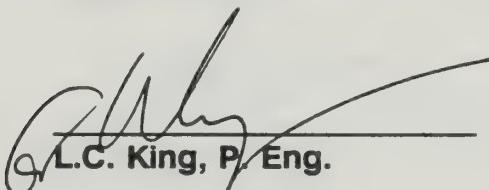
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **1121
UPPER JAMES STREET.**



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" and "AA" Residential and Agriculture

PRESENT USE: Single Family Dwelling

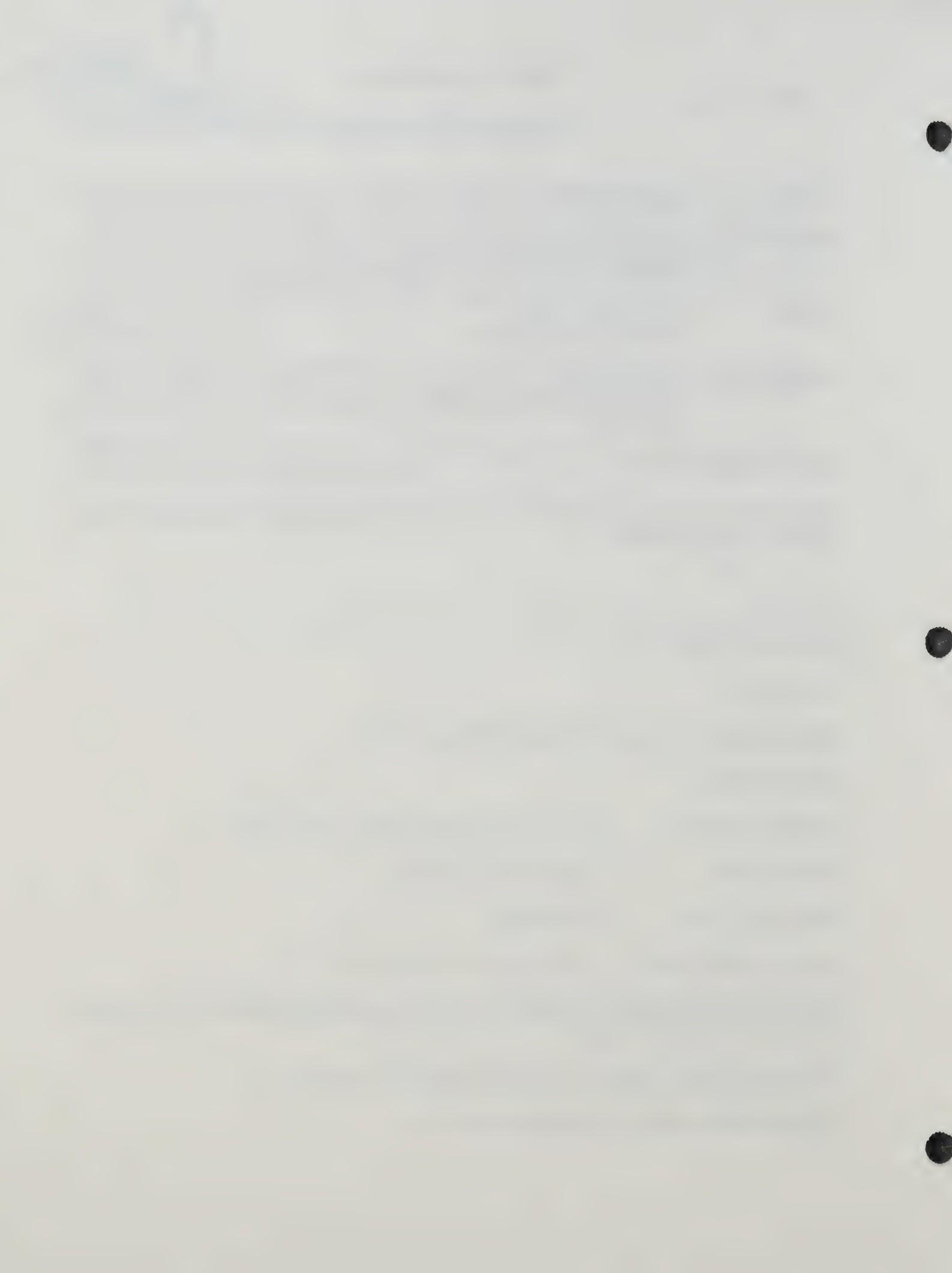
PROPOSED USE: Expressway

BRIEF DESCRIPTION: 1 storey brick veneer house

House is to be demolished to make way for the proposed expressway. No LACAC interest. Lot size 78' x 225'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C(f)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 22, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

JUL 26 1993

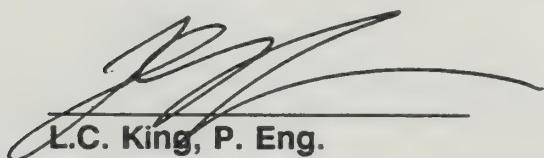
FROM: L.C. King, P. Eng.
Building Commissioner

CITY CLERKS

SUBJECT: Demolition of:
1128 Upper James
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1128 Upper James.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA (Residential & Agriculture)

PRESENT USE: Single Family Dwelling

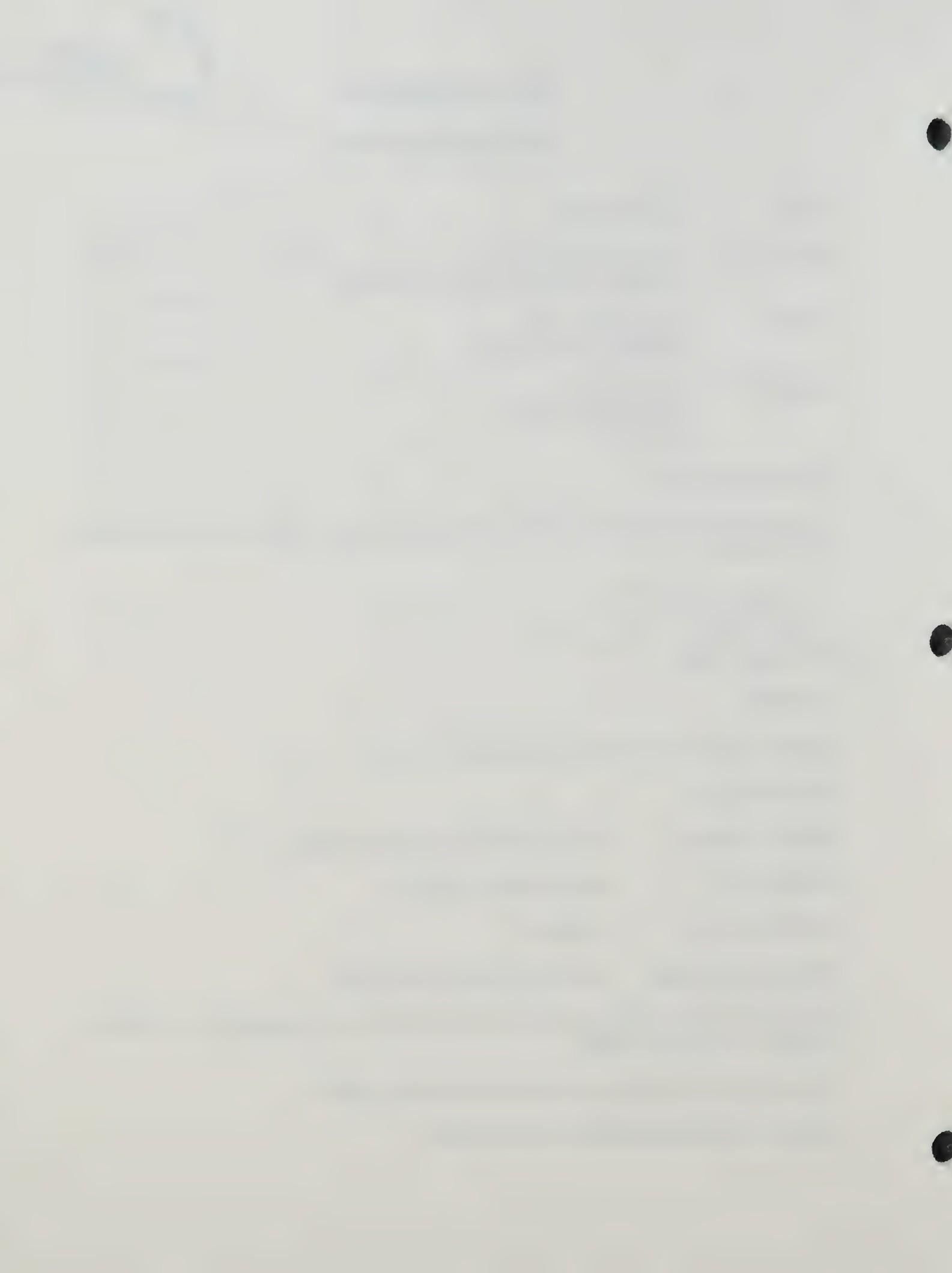
PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey brick veneer house

The house is to be demolished for the Red Hill Creek Expressway. No LACAC interest. Lot size 60' x 583'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C (f) iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 22, 1993

RECEIVED

JUL 26 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

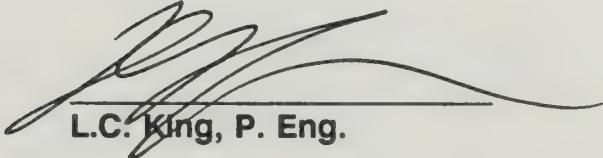
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1134 Upper James
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1134 Upper James.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA (Residential & Agriculture)

PRESENT USE: Single Family Dwelling (Vacant)

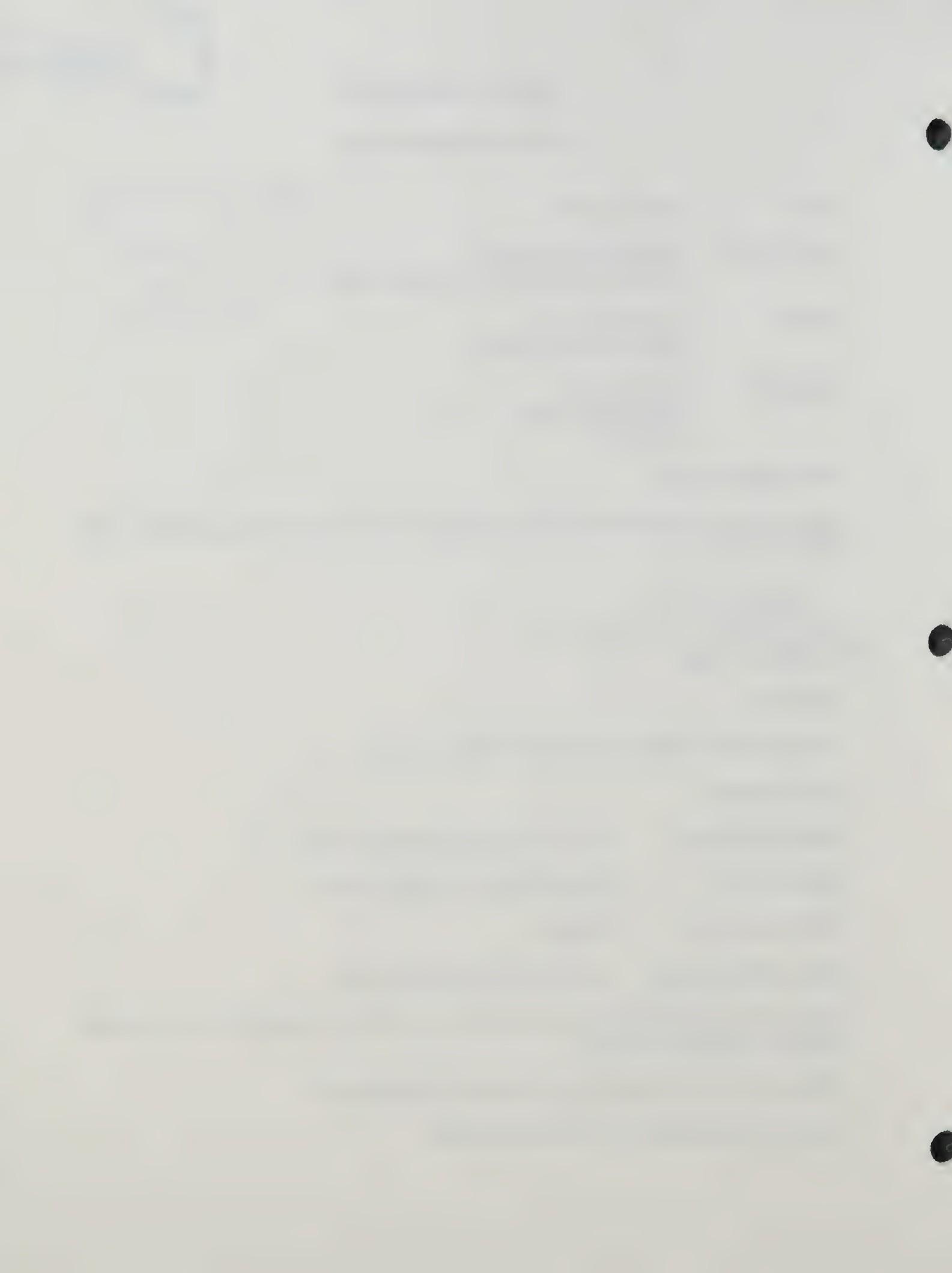
PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey brick veneer house

The house is to be demolished for the Red Hill Creek Expressway. No LACAC interest. Lot size 60' x 258'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C(f)iv.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

JUL 26 1993

DATE: July 22, 1993

CITY CLERKS

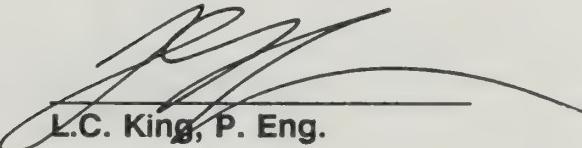
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1142 Upper James - Tag Number
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1142 Upper James.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA (Residential & Agriculture)

PRESENT USE: Single Family Dwelling

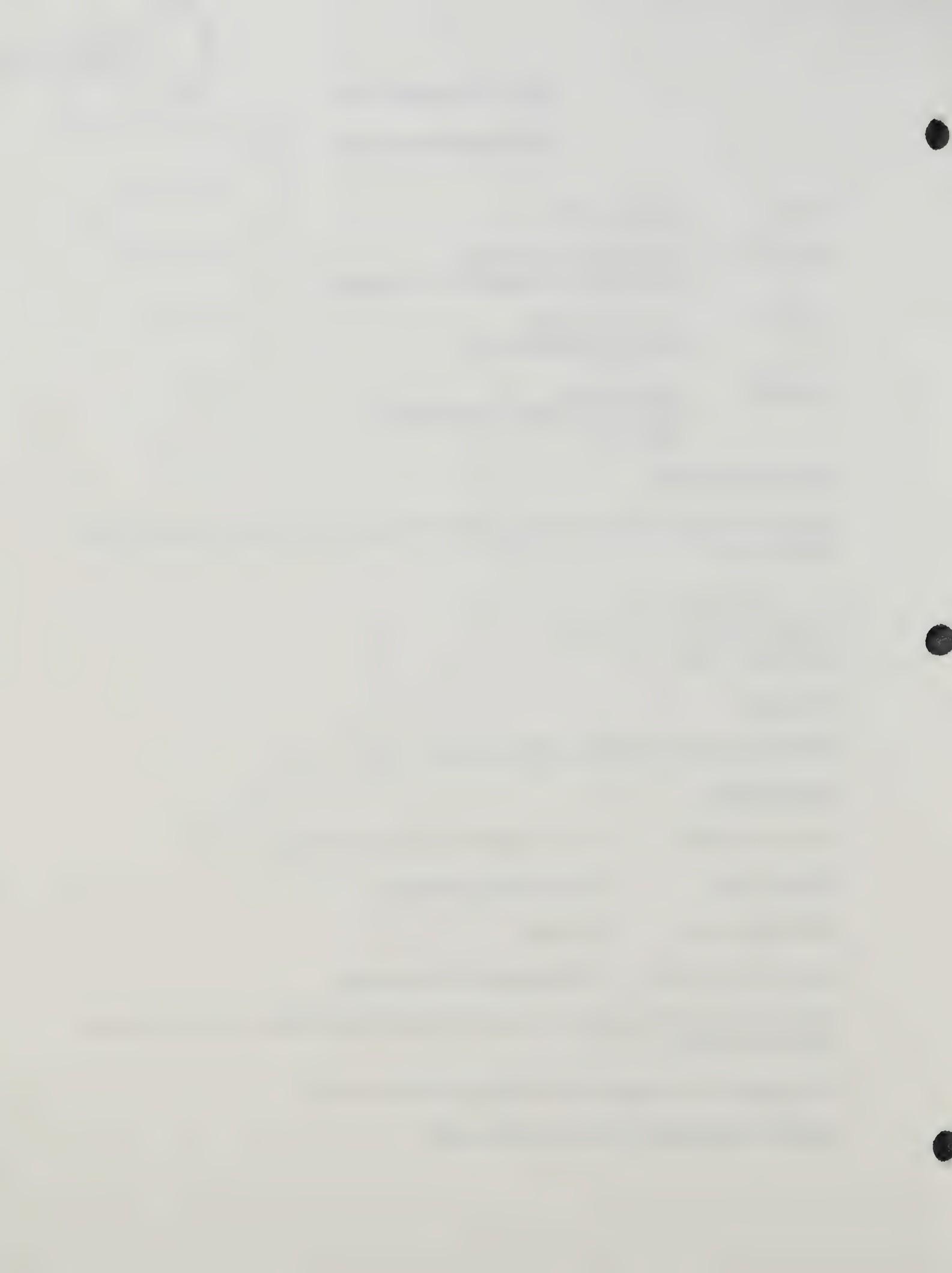
PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey wood frame house

House is to be demolished for the Red Hill Creek Expressway. No LACAC interest.
Lot size 75' x 258'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



CITY OF HAMILTON

C(f)v.

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1150 UPPER JAMES STREET
(93.1.1.A)

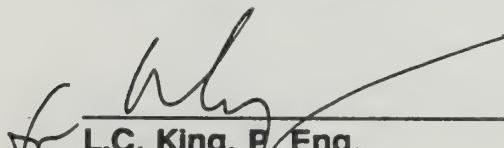
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AUG 17 1993

.....
CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **1150
UPPER JAMES STREET**.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" and "AA" Residential and Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Expressway

BRIEF DESCRIPTION: 1½ storey brick veneer house

House is to be demolished to make way for the proposed expressway. No LACAC interest. Lot size 204.9' x 607.2'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



CITY OF HAMILTON

C(f)vi

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1160 UPPER JAMES STREET
(93.1.1.A)

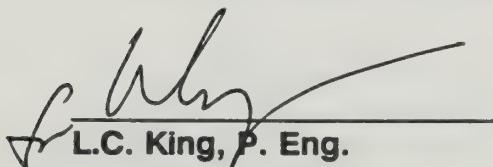
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **1160
UPPER JAMES STREET.**



LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" and "AA" Residential and Agriculture

PRESENT USE: Single Family Dwelling

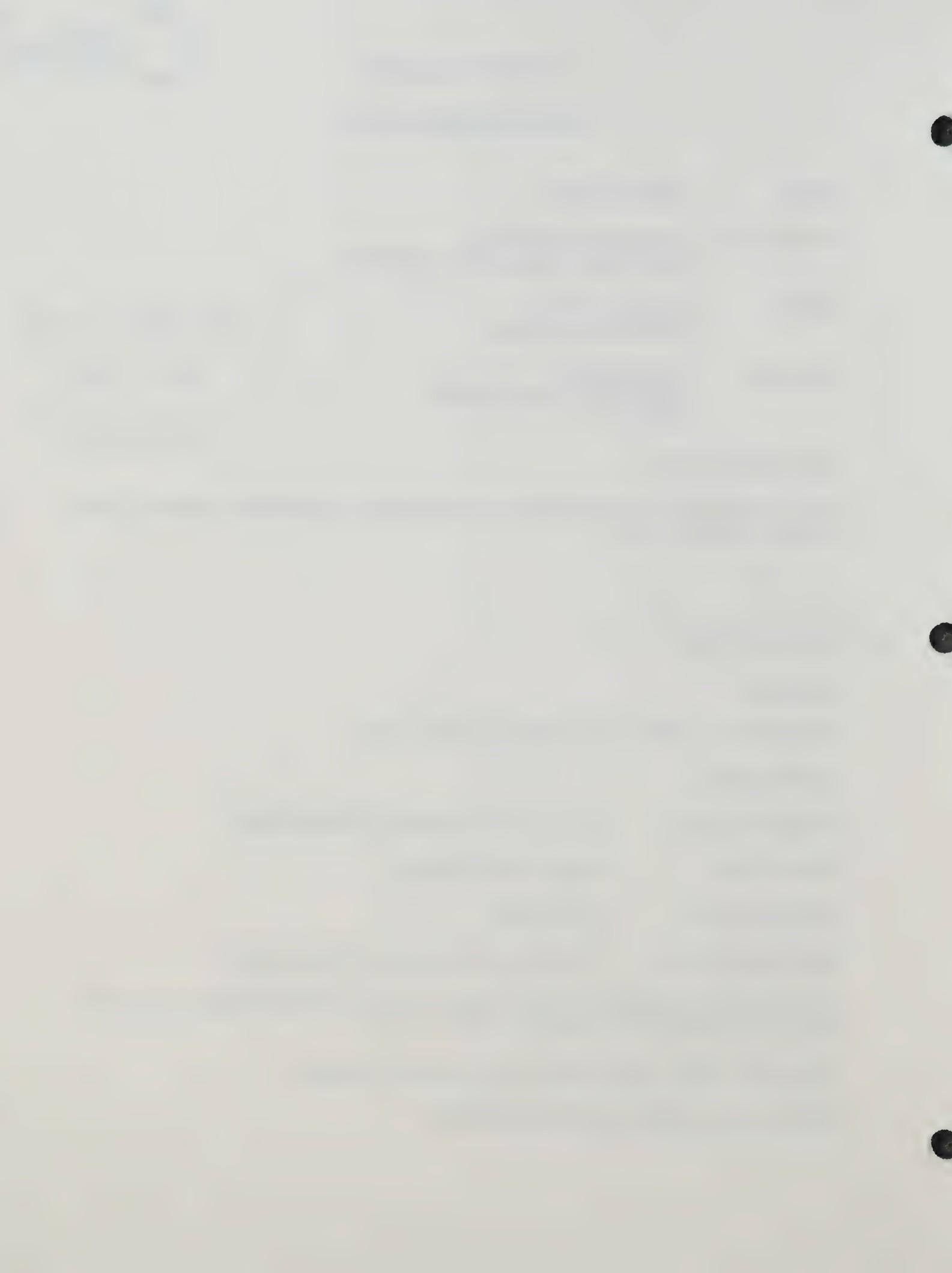
PROPOSED USE: Expressway

BRIEF DESCRIPTION: 1½ storey wood frame and brick veneer

House is to be demolished to make way for the proposed expressway. No LACAC interest. Lot size 127.60' x 925.50'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C(f)vii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 22, 1993

RECEIVED

JUL 26 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

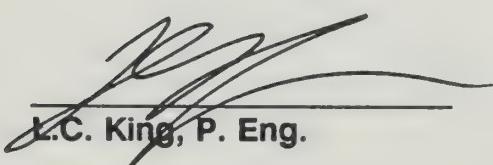
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1075 - 1079 Upper James & 7 Limeridge Road East
(93.1.1.A) (All addresses are in the same building)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1075 - 1079 Upper James & 7 Limeridge Road East.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: HH (Commercial)

PRESENT USE: Commercial & Residential (Vacant)

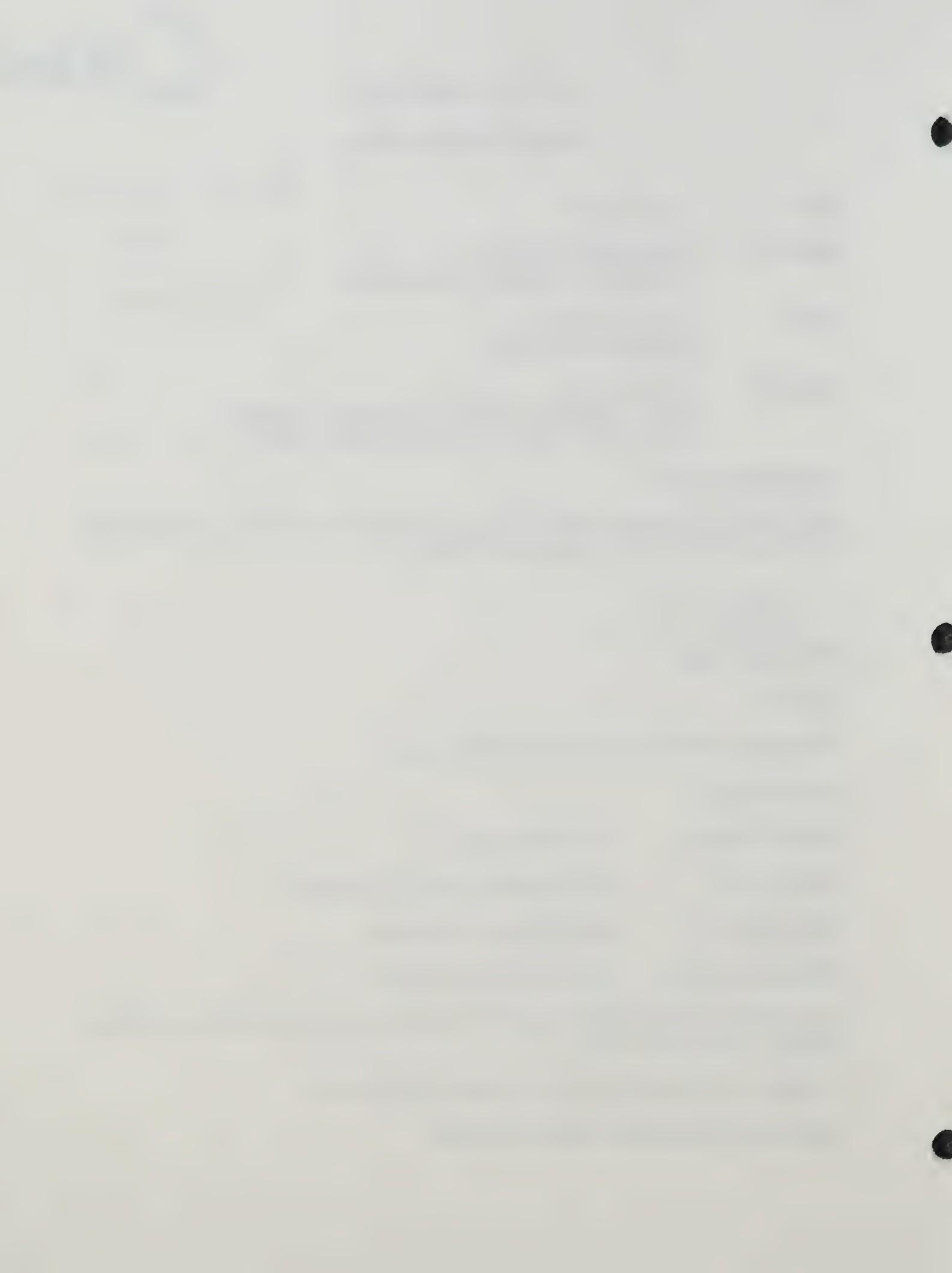
PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: 2 storey masonry building

The building is to be demolished for the Red Hill Creek Expressway. No LACAC interest. Lot size 108' x 105'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C(f)viii

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

DATE: July 22, 1993

JUL 26 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

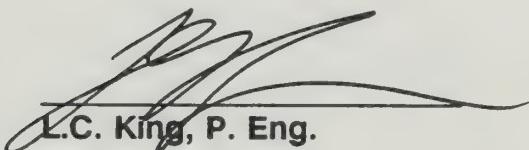
CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
50 Limeridge Road East
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 50 Limeridge Road East.



LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C & AA (Residential & Agriculture)

PRESENT USE: Single Family Dwelling

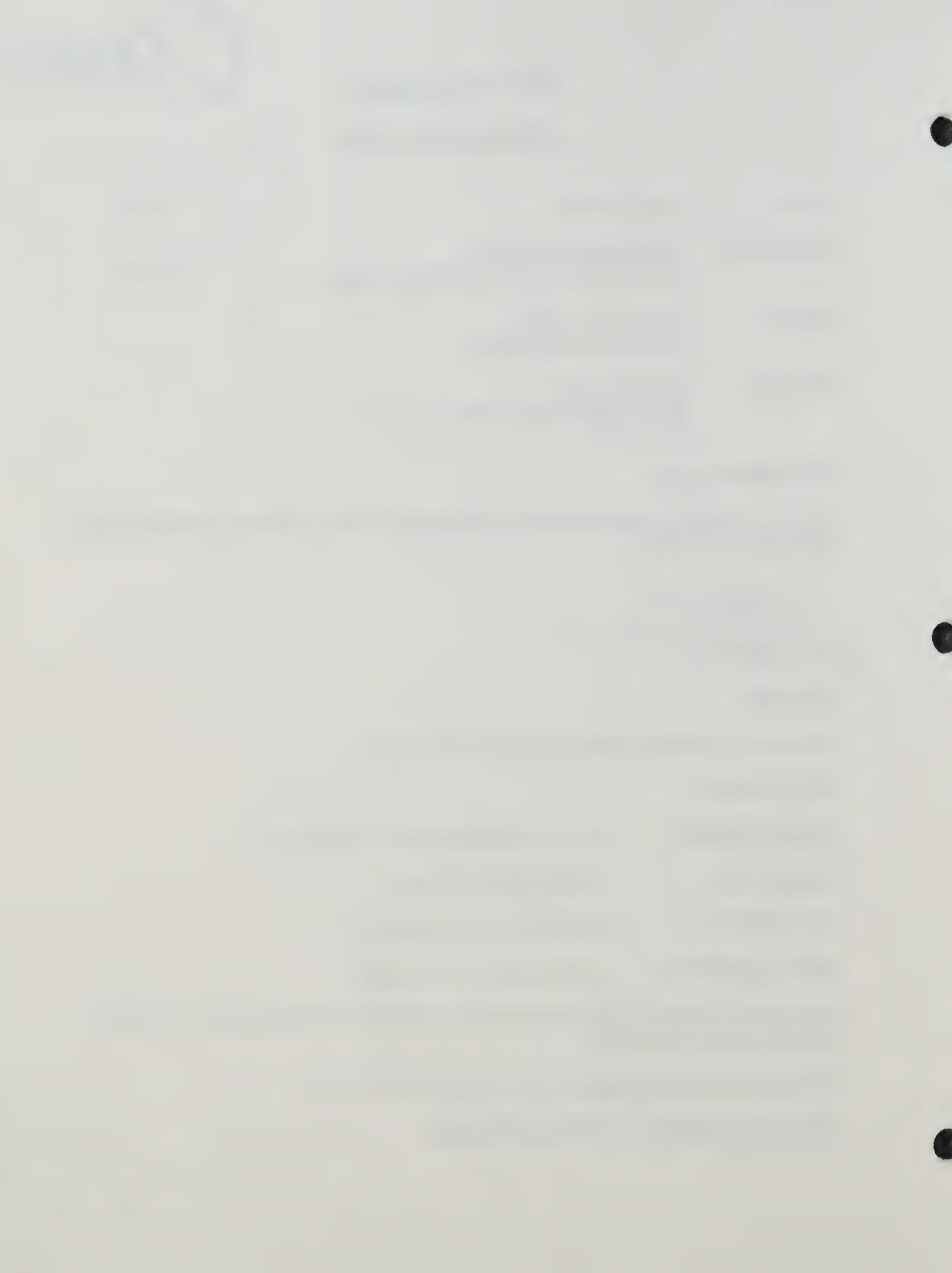
PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: 1 storey wood frame house

The house is to be demolished for the Red Hill Creek Expressway. No LACAC interest. Lot size 72' x 176'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



C(f)ix.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 22, 1993

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

JUL 26 1993

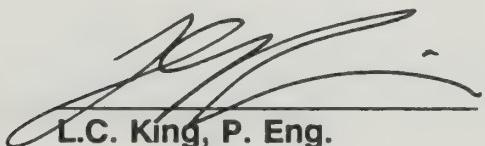
FROM: L.C. King, P. Eng.
Building Commissioner

CITY CLERKS

SUBJECT: Demolition of:
571 Burlington Street East
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 571 Burlington Street East.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Heavy Industrial)

PRESENT USE: Single Family Dwelling

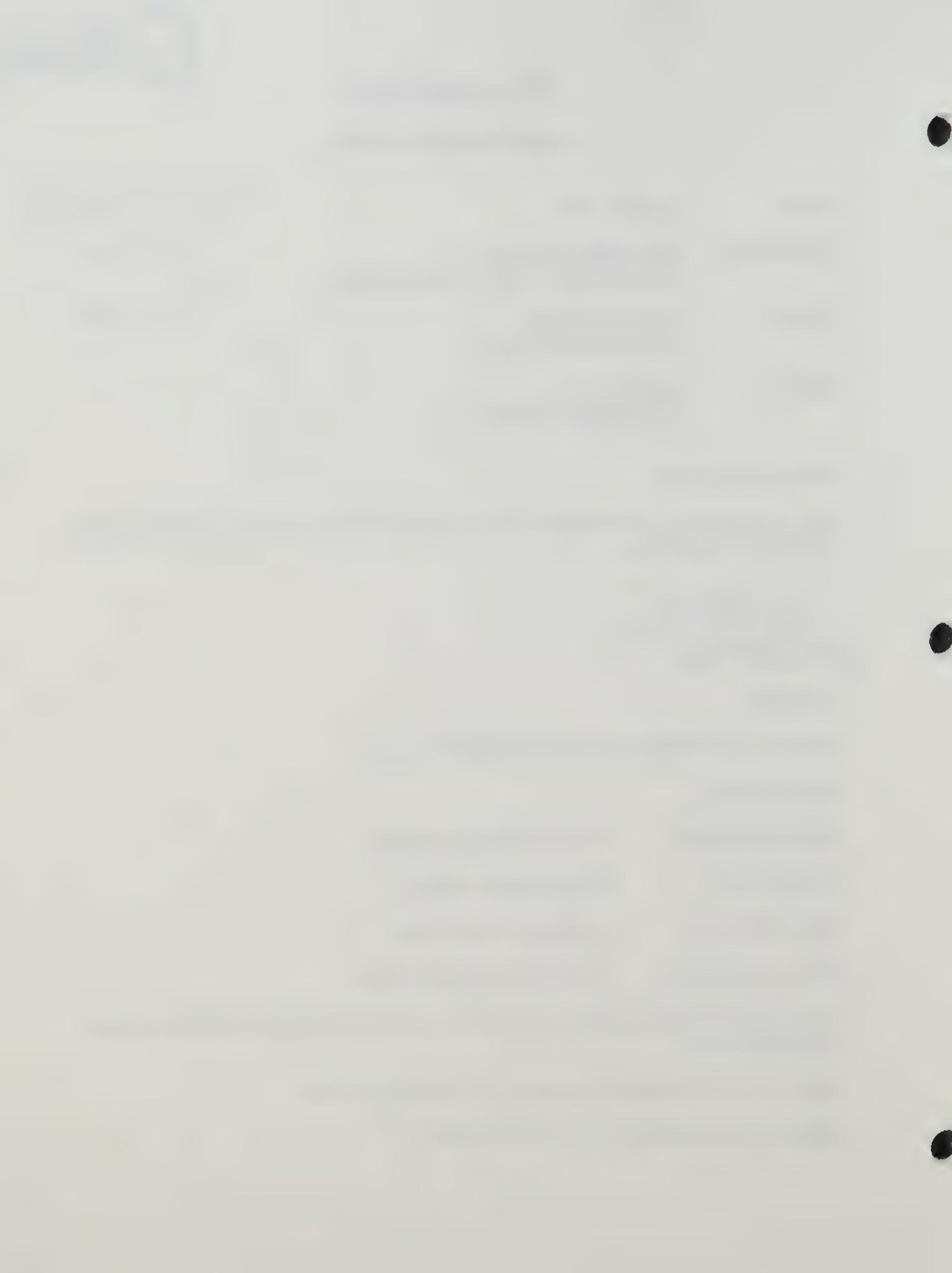
PROPOSED USE: Perimeter Road Project

BRIEF DESCRIPTION: 2½ storey solid brick house

The house is to be demolished for the Perimeter Road Project. No LACAC interest.
Lot Size 22' x 101'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



CITY OF HAMILTON

- RECOMMENDATION -

C (f) X.

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
605 MOHAWK ROAD WEST - Tag Number 90107
(93.1.1.A)

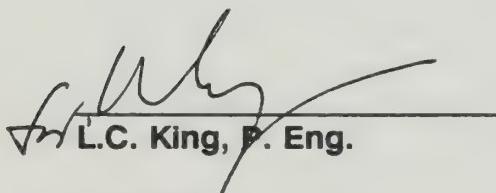
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **605 MOHAWK ROAD WEST**.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C"

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 1½ storey brick veneer house

The owner wishes to demolish the house as it is partly fire damaged and in a state of disrepair. No LACAC interest. Lot size 50.8' x 132'.

The owner of the property as per the demolition permit is:

Brian Morrison
Doug Nash
2121-25 Main Street West
Hamilton, Ontario



C(f)xi.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
28 DODSON STREET - Tag Number 89996
(93.1.1.A)

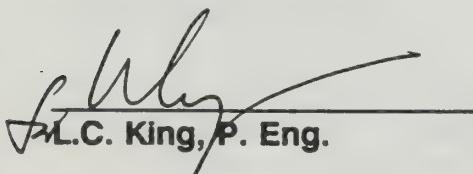
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AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 28 DODSON STREET.



LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

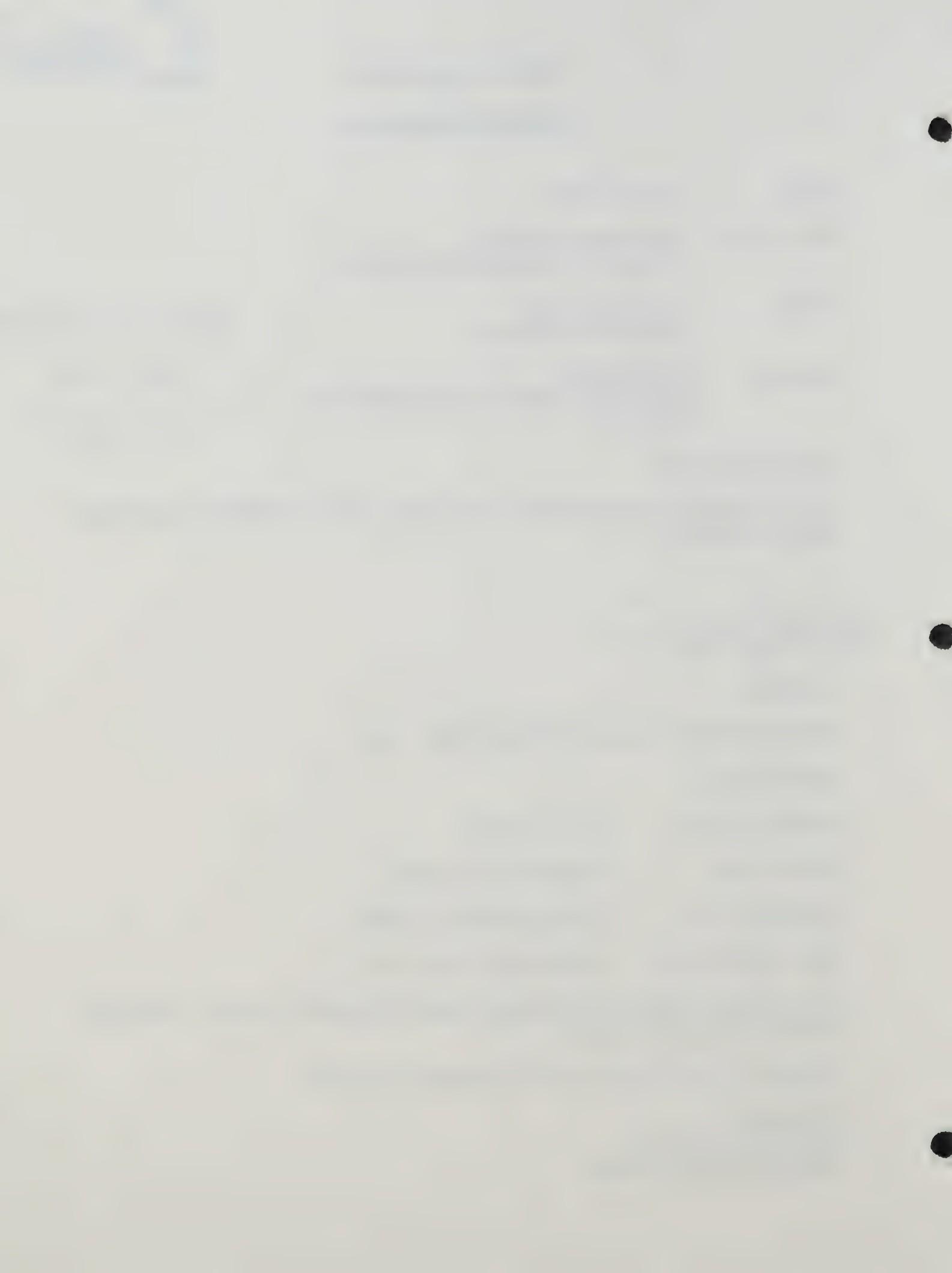
PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey wood frame house

Owner wishes to demolish the present house and rebuild a new one. No LACAC interest. Lot size 40' x 128.3'.

The owner of the property as per the demolition permit is:

F. DeSantis
123 Warren Avenue
Hamilton, Ontario L9C 3C9



D(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 4
(PLC-H-93-5)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Application to remove part-lot control from Lots 1-22,
inclusive, "Sandrina Gardens, Phase 1" subdivision.

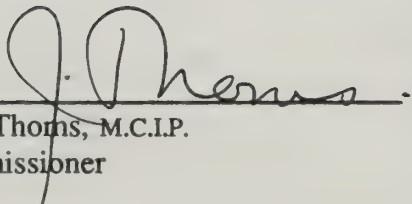
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AUG 17 1993

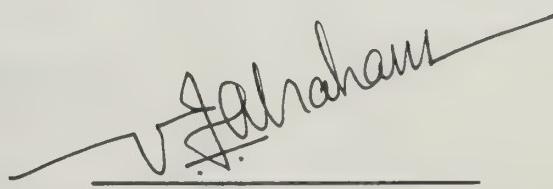
CITY CLERKS

RECOMMENDATION:

- a) That the request of Anthony G. DiCenzo, Solicitor for DiCenzo Construction Company Limited, to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1" plan of subdivision, 62M-733, be approved;
- b) That the attached by-law to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



J. D. Thoms, M.C.I.P.
Commissioner



V. J. Abraham, M.C.I.P.
Director

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Anthony G. DiCenzo, Solicitor for DiCenzo Construction Company Limited, is proposing to establish maintenance easements for 22 small lots by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Location

The lands are located on the east side of Upper Gage Avenue, south of Rymal Road East in the Broughton East Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

VJA/rl

Attach.

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove

Land within the Sandrina Gardens, Phase 1 Subdivision, Plan 62M-733
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:
Lots 1-22, inclusive, within Registered Plan Number 62M-733, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1993.

City Clerk

Mayor

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

D (b)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: August 13, 1993
(ENV-GEN)

RECEIVED

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

AUG 17 1993

FROM: Mr. J. D. Thoms,
Commissioner of Planning and Development

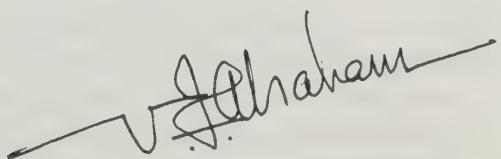
CITY CLERKS

SUBJECT: Resolution from the Town of Lindsay - Ministry of the Environment and
Energy Guideline on Separation Distance Between Industrial Facilities and
Sensitive Land Uses

RECOMMENDATION:

- 1) That the resolution from the Town of Lindsay, attached hereto and marked as Appendix "A", be endorsed; and,
- 2) That the Minister of the Environment and Energy and the Town of Lindsay be advised of Council's endorsement.

J. D. Thoms, M.C.I.P.
Commissioner,
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Town of Lindsay Council has recently adopted a resolution (see Appendix "A") that requests the Minister of the Environment and Energy (MOEE) "to reconsider its separation distance guideline, to engage in real consultation with stakeholders including the Association of Municipalities of Ontario during the process of reconsidering the guideline and to not implement the guideline until such time as it has been reconsidered". This resolution has been sent to all Ontario municipalities for endorsement.

The resolution from the Town of Lindsay is referring to the Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses, which was released by the MOEE in July, 1992. The guideline document notes that "this guideline is intended to prevent the encroachment of sensitive land uses and industrial *facilities* (their emphasis) on one another through the land use planning process". As well, the guideline document notes that "the guideline applies to light, medium and heavy industrial facilities and those land uses sensitive to the possible noise, vibrations, odours, dust and other air emissions, and similar adverse effects."

The key facet of the guideline is recommended separation distances between "sensitive land uses" and various industrial facilities. A "sensitive land use" is defined in the guideline document as "a use associated with residences, schools, hospitals and senior citizen homes or other land uses such as outdoor recreational activities, where humans or the natural environment may be adversely affected by emissions from major facilities". The recommended separation distances by the specific industrial uses noted in the guideline document are as follows:

Light Industrial	- 60 metres (minimum)
Medium Industrial	- 90 metres (minimum) to 300 metres (recommended)
Heavy Industrial	- 300+ metres (minimum)

The Town of Lindsay has expressed concern that the distance separation requirements are unreasonable and the MOEE has not provided any quantitative justification for the various distance separations. The Town is also concerned that the Ministry will not be flexible in the implementation and interpretation of the guideline. Finally, the Town has noted that the MOEE has not formally consulted municipalities in regard to the guideline and therefore potential constraints may arise in its implementation.

COMMENT:

The concerns expressed by the Town of Lindsay in regard to the MOEE Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses are valid. Staff of the Planning and Development Department have been dealing with MOEE staff on several development applications in the City of Hamilton and MOEE have chosen a fairly rigid interpretation of the guideline. In addition, the rationale for the various minimum separation distances is unclear and further clarification from MOEE is required.

The circulation of the Town of Lindsay resolution is particularly timely in light of the recent decision dated July 30, 1993 from the Joint Board (Ontario Municipal Board and Environmental Assessment Board) in regard to the former Lapp Insulator property on Studholme Drive in Chedoke Park Neighbourhood. The Joint Board specifically examined the MOEE Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses and noted "the concern of the Guideline is with adverse effects and not with separation distances. Separation distance is seen as a means and not as an end." The Joint Board further noted that "the intent and purpose of the separation distance standard is more important than the numerical standard designed to meet them."

Recognizing the uncertainty arising from the interpretation and implementation, a detailed review of the MOEE guideline and in particular the distance separation measures is warranted. This review should involve all municipalities and the Association of Municipalities of Ontario. Accordingly, the resolution from the Town of Lindsay can be supported.

KE/ke

APPENDIX "A"

"Whereas the Ministry of the Environment has recently distributed a land use planning interim guideline entitled "Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses"; and

Whereas this guideline is badly flawed and needs to be reconsidered for the following reasons:

- (i) the guideline advocates unreasonable distances between industrial and sensitive land uses;
- (ii) the Ministry has failed to provide adequate justification for these separation distances;
- (iii) the guideline was developed without consultation with municipalities in Ontario;
- (iv) the guideline unreasonably slants the planning process in one direction to the detriment of other, perhaps more important, planning considerations;
- (v) the guideline treats parks a sensitive land use and prevents parks from being used as a buffer between industrial and residential land use.

NOW THEREFORE BE IT RESOLVED THAT the Ministry of the Environment be requested to reconsider its separation distance guideline, to engage in real consultation with stakeholders including the Association of Municipalities of Ontario during the process of reconsidering the guideline and to not implement the guideline until such time as it has been reconsidered."

Resolution adopted by the Town of Lindsay, February 8, 1993

D (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 6, 1993
(PRK-HRCA)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

AUG 17 1993

FROM: Mr. J. D. Thoms,
Commissioner of Planning and Development

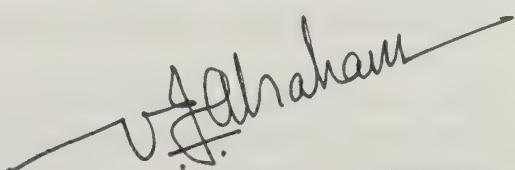
.....
CITY CLERKS

SUBJECT: Comments on the Report Restructuring Resource Management in Ontario - A Blueprint for Success

RECOMMENDATIONS:

- 1) That Council endorse the efforts of the Association of Conservation Authorities of Ontario to develop a more simplified resource management system;
- 2) That the Provincial Government undertake a comprehensive review of resource management issues together with all affected municipalities and the Association of Conservation Authorities of Ontario;
- 3) That a review of resource management issues in Ontario also include:
 - a) an examination of the funding requirements of restructured Conservation Authorities; and,
 - b) direct consultation and negotiation with affected municipalities on possible changes to land use planning measures and approvals related to the mandate of restructured Conservation Authorities.
- 4) That the Hamilton Region Conservation Authority, all local Members of Provincial Parliament, and the Ministers of Natural Resources, Environment and Energy, Agriculture and Food, and Municipal Affairs be advised of this resolution.

J. D. Thoms, M.C.I.P.
Commissioner,
Planning & Development Department


V. J. Abraham, M.C.I.P.

Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On May 5, 1993, the Association of Conservation Authorities of Ontario (ACAO) released a report entitled Restructuring Resource Management in Ontario - A Blueprint for Success. (A copy of the report is available from the Planning and Development Department.) The report calls upon the Provincial Government "to create a single field-level planning and delivery agency for resources management programs". The Report notes that "society can no longer afford to maintain the current overlapping institutional structure that promotes inefficient and, at times, ineffective resources management programming and delivery." ACAO has forwarded the report to various Provincial ministries and the initial reaction to the various ideas put forward has been "encouraging". ACAO has also forwarded the report to all municipalities and is seeking the endorsement of the City of Hamilton in their efforts.

The specific actions envisioned by ACAO to achieve a "single field-level planning and delivery agency" include the following:

- establishing the watershed as the formal area for resource planning and management initiatives;
- consolidating the water management related mandates of the Ministry of Natural Resources (MNR) and the Ministry of the Environment and Energy (MOEE) within one Ministry;
- focusing the work of the Province on the broader strategic aspects of resource management planning including legislation and policy research;
- transferring the existing program delivery functions of various Provincial ministries to the Conservation Authorities;
- delegating the plan review and permit approval/granting functions to the Conservation Authorities; and,
- restructuring Conservation Authorities to accommodate their expanded roles.

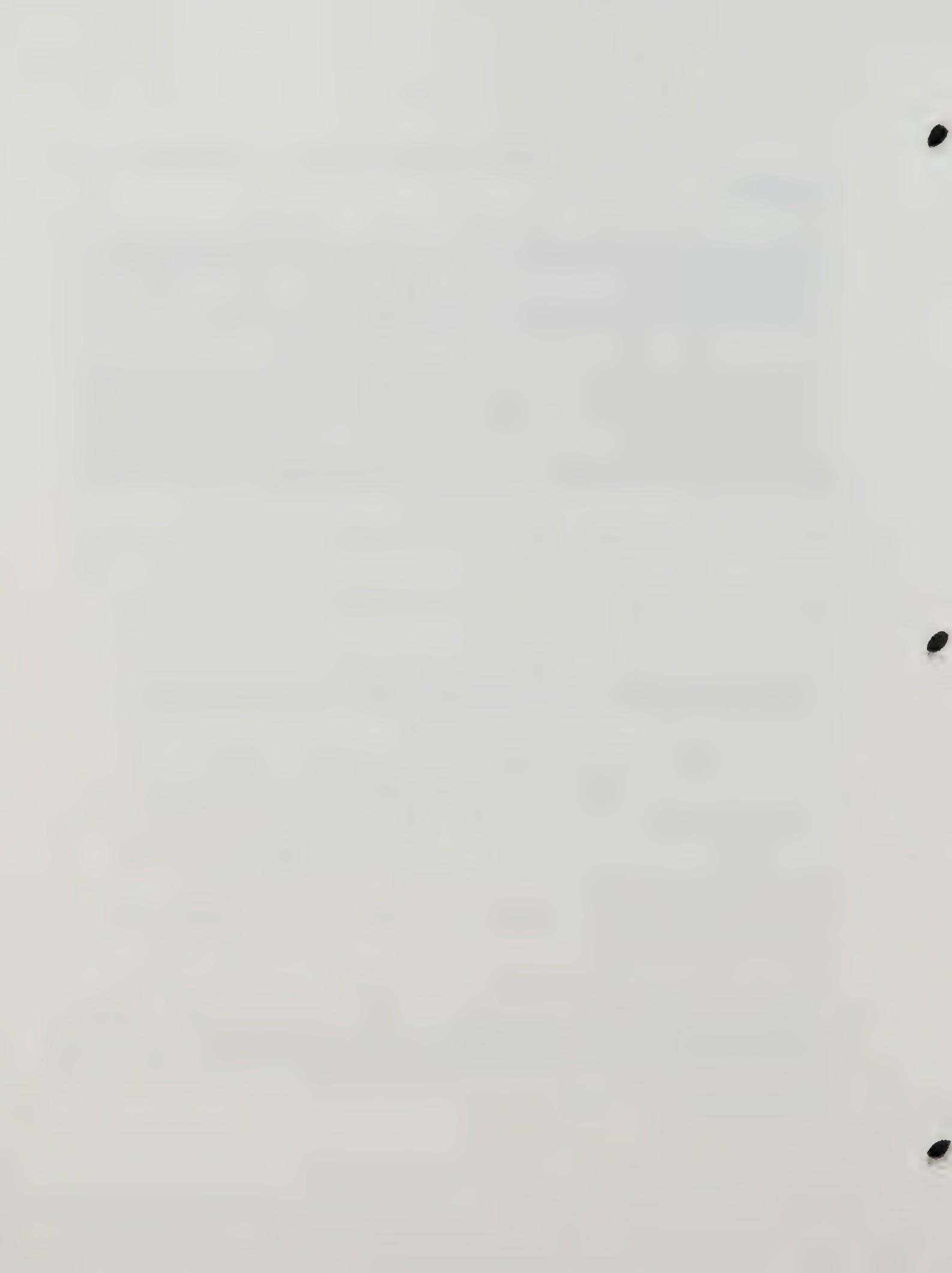
A follow-up document prepared by ACAO on June 15, 1993 entitled Restructuring Resource Management in Ontario: Documenting the Opportunity provided an estimate that the Provincial Government would incur a cost savings of up to \$100 million by reducing the redundancy in the delivery of various resource management programs.

COMMENT:

The document Restructuring Resource Management in Ontario - A Blueprint for Success provides an appropriate starting framework for discussion on the future of resource management and resource planning initiatives in Ontario. The ACAO should be commended for being pro-active in this regard and offering ideas and concepts that have the potential to enhance the delivery of resource management programs in Ontario at a lower cost.

All of the actions envisaged by ACAO have merit and can be supported. However, it is imperative for the Province to recognize that any changes to the mandate and structure of Conservation Authorities must be accompanied by a commensurate increase in Provincial funding levels. In addition, the ACAO and the Province should be aware that any proposals for changes in the plan preparation, review and approvals responsibilities of Conservation Authorities will have to occur in direct consultation and negotiation with the affected Area and Regional Municipalities.

KE/ke



E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 August 18

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: INFORMATION ITEMS

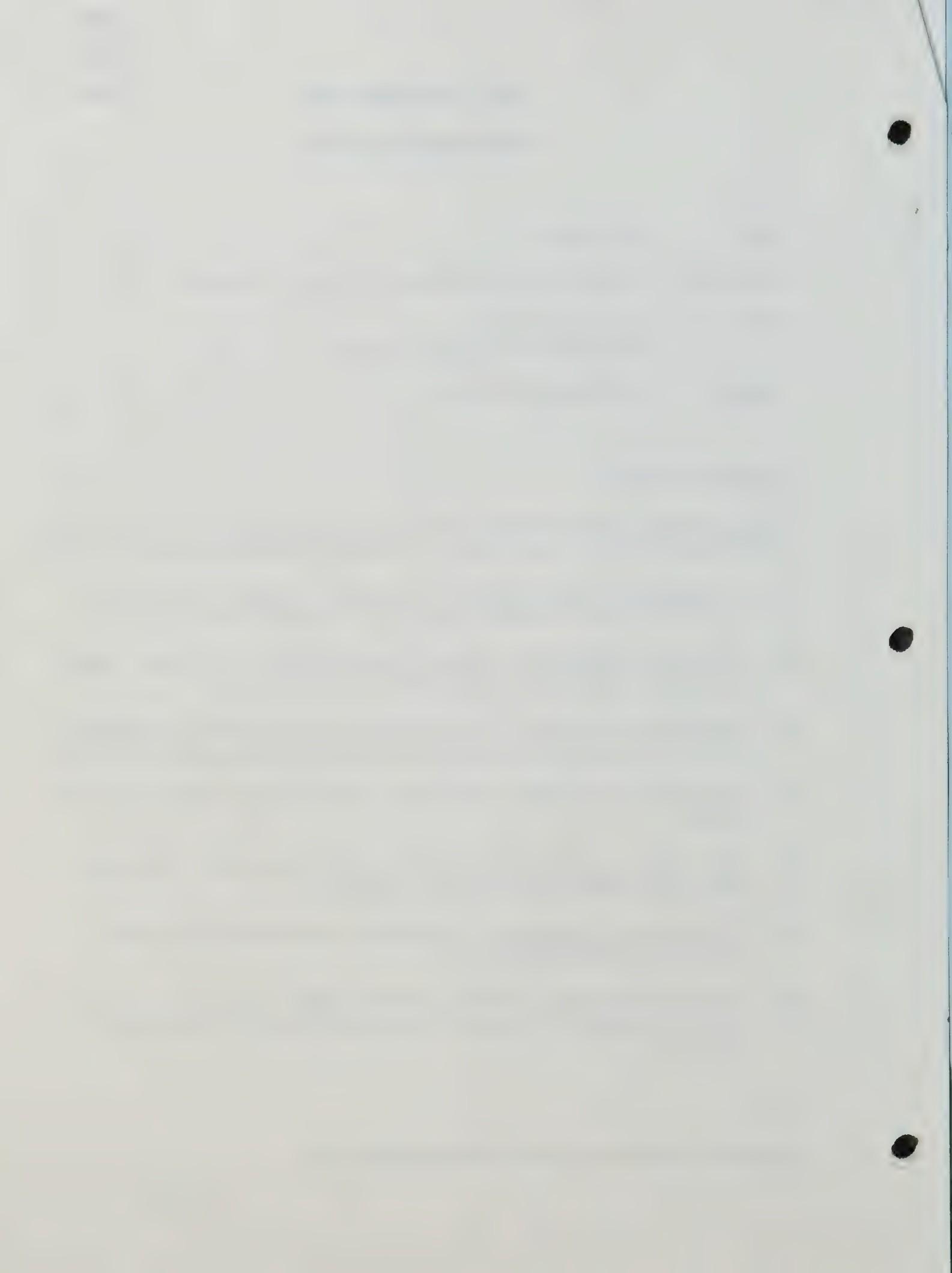
RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Transportation Services Committee Report 8-93 - Proposed Median Cut - No. 1010 to 1024 Upper Wentworth Street, City of Hamilton dated 1993 July 21
- (b) Economic Development and Planning Committee Report 12-93, Item 4 - Sewell Commission - Final Report (PLA 93-054) dated 1993 July 21
- (c) Township of Michipicoten - Resolution approved by the Members of Municipal Council Re: Residential Rehabilitation Assistance Programme dated 1993 July 21
- (d) City Solicitor and Building Commissioner - 74 Charlton Avenue East dated 1993 July 19
- (e) City Solicitor - Decision (OMB and Environmental Assessment) - 100 Beddoe Drive (the LAPP Property) dated 1993 August 16
- (f) Commissioner of Planning and Development - Approved Site Plan Control Applications dated 1993 August 18
- (g) Environment Canada - Honourable Pierre H. Vincent - Letter of Acknowledgement re: Proposed Victoria Avenue Layover Yard dated 1993 August 11

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T. Agnello



URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4
1993



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

1993 September 15

URBAN M.

SEP

1993

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 September 22

9:30 o'clock a.m.

Room 233, City Hall

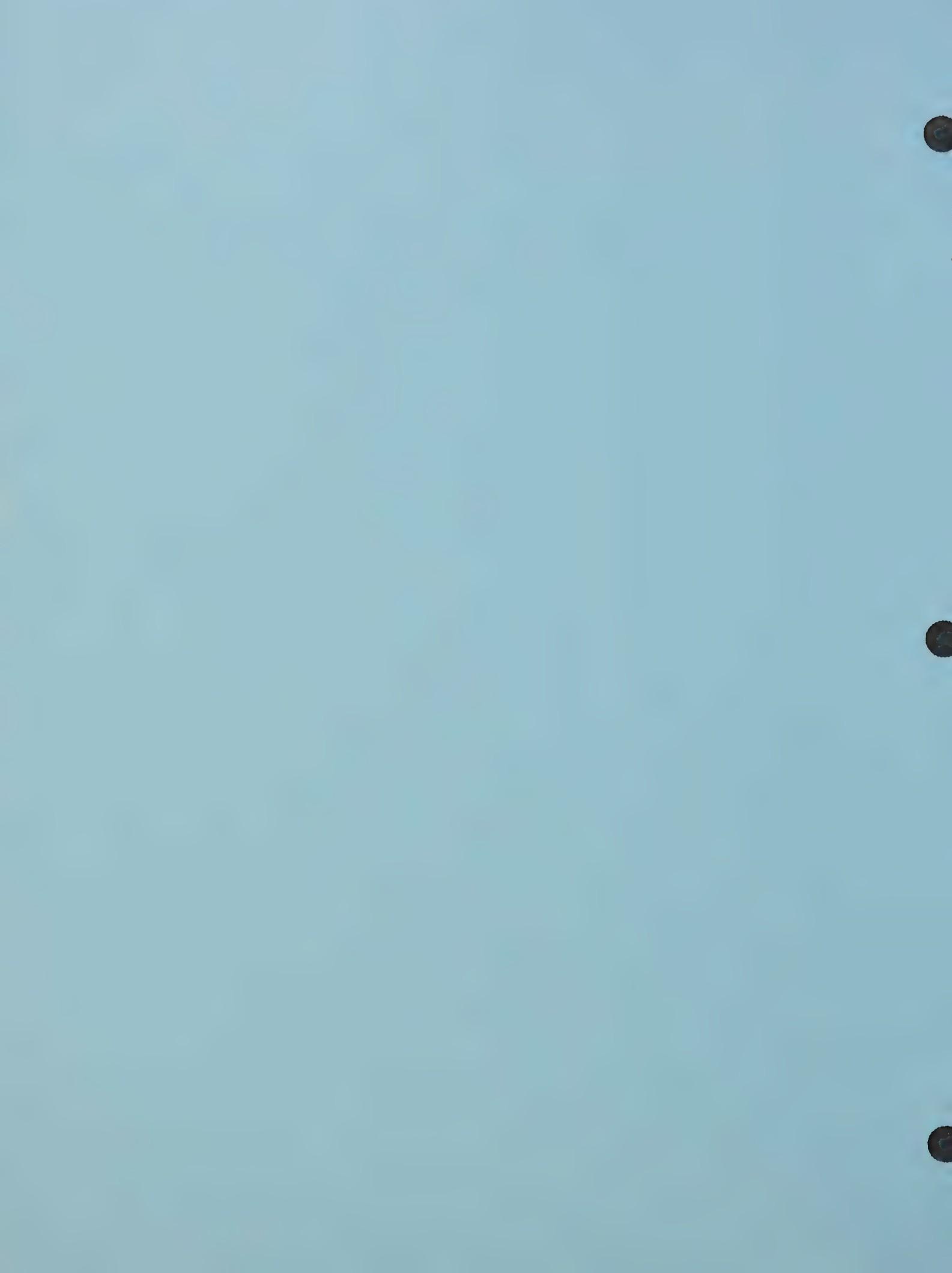
Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

1. Zoning Application 92-25, Anwar Zurar, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 855 Upper Horning Road; Gurnett Neighbourhood
2. Proposed Draft Plan of Subdivision 25T-91009 and amended Zoning Application 93-09, F. Toth., T. DiFranco and A. Cocca, owners, for changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for Block "1" and to "C" (Urban Protected Residential, etc.) District for Block "2", for lands located at Nos. 478 and 488 Rymal Road East; Chapple East Neighbourhood



9:45 O'CLOCK A.M.

3. Zoning Application 93-19, Dr. S. Marcogliese, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for property located at No. 792 Upper Gage Avenue; Macassa Neighbourhood

11:00 O'CLOCK A.M.

4. PREVIOUSLY TABLED

- (a) Zoning Application 93-20, Mr. and Mrs. Trikas, owners, for a change in zoning from "C" District modified, to "G-4" District modified, on lands known as 952-954 Concession Street; Raleigh Neighbourhood
- (b) Zoning Application 93-18, 304 Victoria Avenue North Holding Ltd. (Dr. N. Gagic, President), owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District, for property located at No. 304 Victoria Avenue North; Landsdale Neighbourhood
 - i. Submission: Bernard & Kim Ryan, 311 East Avenue North, Hamilton

5. BUILDING COMMISSIONER

Parking of Recreational Vehicles, House Trailers and Boats in Residentially Zoned Areas

- (a) Submission: Mary Norris, 286 Inverness Avenue East, Hamilton

6. REQUEST FOR RECONSIDERATION

Louis Agro, owner, 105 Park Street North - Demolition Permit

7. ALDERMAN D. AGOSTINO - Swimming Pool Pumps, Heaters and Filtering Equipment

Report from Building Commissioner

8. CONSENT AGENDA

9. OTHER BUSINESS

10. ADJOURNMENT.



PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff



13.	Review of Parking Lot Regulations and Design Standards	1993 July 21		Tabled to 1993 October
14.	Site Plan Control Application DA-93-14 to amend approved plans of DA-91-35 for a parking lot on lands at 18-24 James Street South to include temporary access from James Street South	1993 July 21		Tabled to 1993 October
15.	Demolition - 105 Park Street North	1993 August 25	Applicant	Tabled to allow applicant to apply for rezoning and site plan

Tina Agnello, Secretary
1993 September 15



CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 9, 1993
ZA-92-25
Gurnett Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 855 Upper Horning Road.

RECEIVED

SEP 15 1993

CITY CLERKS

RECOMMENDATION:

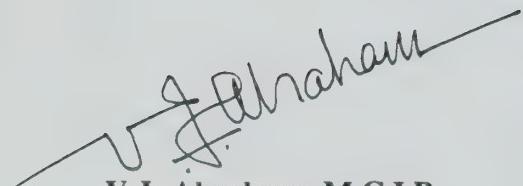
That approval be given to Zoning Application 92-25, Anwar Zurar, owner, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit future development for single-family dwellings, for the property located at 855 Upper Horning Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for the property located at 855 Upper Horning Road, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the future development of the subject lands for single-family dwellings. The applicant intends to eventually demolish the existing dwelling and create a total of ten (10) new single family dwelling lots, in conjunction with adjacent lands.



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

Upon approval and finalization of the zoning application, the applicant intends to file a land severance application to sever a portion of the lands to create two (2) building lots for single-family dwellings fronting onto Stone Church Road (i.e. lots 1 & 2 - Appendix "B"). The remaining lands will be retained until such time as remnant lands surrounding the property are assembled to create an additional eight (8) building lots. Ultimately, ten (10) building lots will be created. The existing single-family dwelling will be demolished.

APPLICANT:

- Anwar Zuar, owner.

LOT SIZE AND AREA:

- 60.96 m (200.0 ft.) of lot frontage Stone Church Road;
- 85.344 m (280.0 ft.) of lot depth; and,
- 2626.2 m² (28 270.0 S.F.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"B" (Suburban Agricultural and Residential, etc.) District

Surrounding Lands

to the north, east, and west	Single-Family Dwellings	"C" (Urban Protected Residential) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Vacant Land	"AA" (Agriculture District)

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, policies from Subsection A.3.4. - Division of Land should be noted:

- "A.3.4.1 In accordance with the intent of the Regional Official Plan, consents to sever individual parcels of land within the City will generally be discouraged and limited in accordance with the following provisions:
- i) Severances to create new lots where adequate municipal sewer and water services are not available will be discouraged;
 - ii) Severances will be discouraged which do not comply with the Development and Servicing Extension policies of Subsection B.1 and the severance policies of the Regional Official Plan; and,
 - iii) Severances will be discouraged where such severance would make it difficult to assemble adequate parcels of land which would permit planned development."

Further, policies from Subsection C.7 Residential Environment and Housing Policy Should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Gurnett Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:
 - Hamilton Regional Conservation Authority;
 - Traffic Department; and,
 - Union Gas.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that Part 1 of Reference Plan 62R-9295 be dedicated to the region for road widening purposes. According to our records the Region previously acquired Parts 3 and 4 on Reference Plan 62R-9295 for the extension of Stone Church Road and Omini Boulevard etc. Part 5 of Reference Plan 62-9295 has been identified as a portion of Upper Horning Road to be closed.

According to the attached Plans, it appears that the subject lands, Blocks 49 and 50 of Plan 62M-611 and Part 5 of Reference Plan 62R-9295 should be developed together to provide for proper planning and orderly development of this area and we recommend that the approval of this zoning be conditional to resolving these outstanding development matters.

- The Building Department has advised that:
 - "1. The future development shall conform to the zoning district requirements."

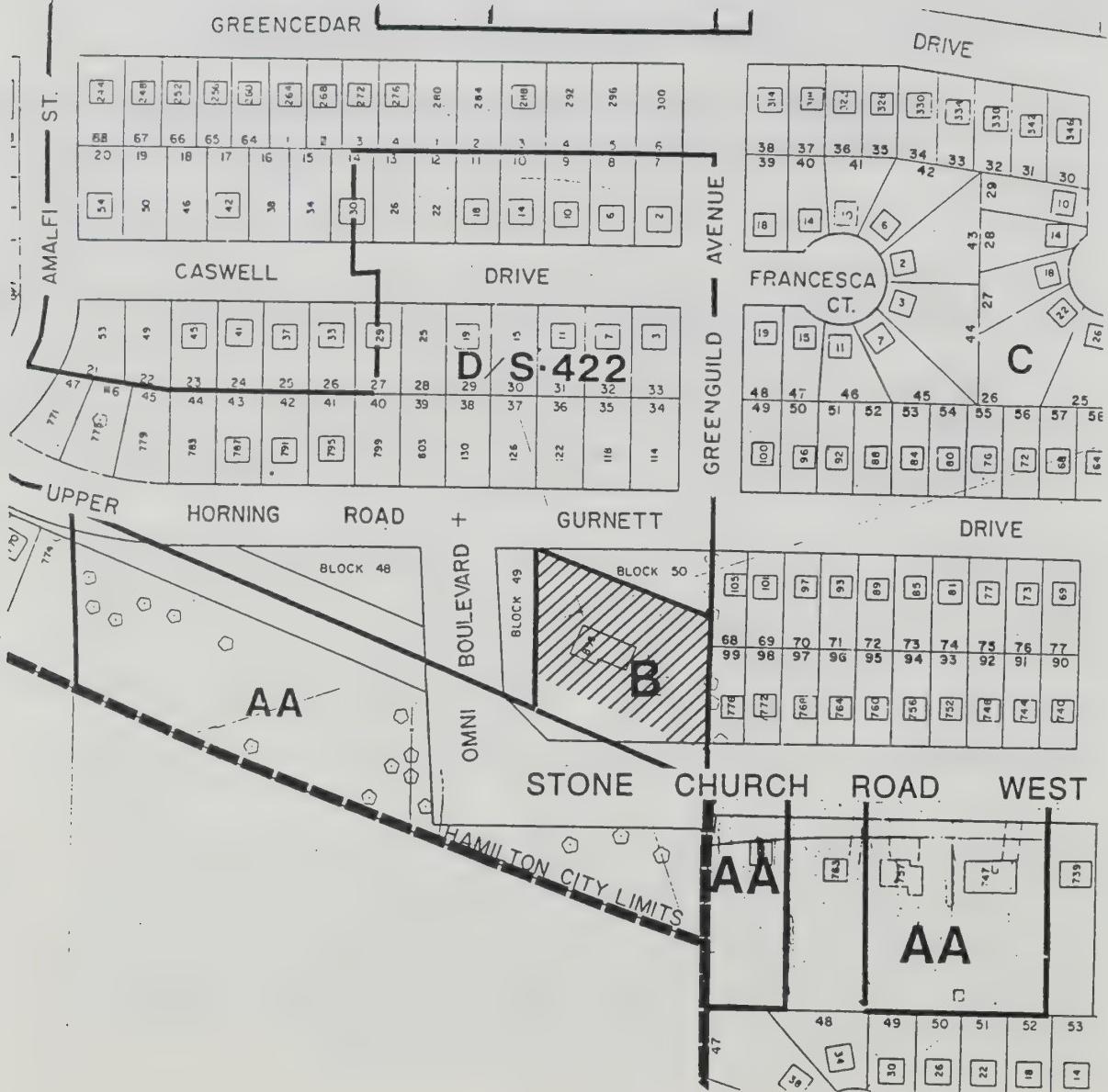
COMMENTS:

1. The proposal does not conflict with the intent of the Neighbourhood Plan and Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Neighbourhood Plan which designates the lands for "SINGLE AND DOUBLE RESIDENTIAL";
 - ii) it represents an extension/infilling of an established residential area; and,
 - ii) the proposed "C" (Urban Protected Residential, etc.) District is consistent with the established zoning and single-family residential character of the area.
3. With respect to the Engineering Department's comments regarding land dedication for the purpose of a road widening, it should be noted that the appropriate lands could be acquired as a condition of approval at the land severance/subdivision stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/
WPAZA9225



Legend



Site of the Application

D/S-422

GREENGUILD
AVENUE

UPPER HORNING RD

GURNETT DRIVE

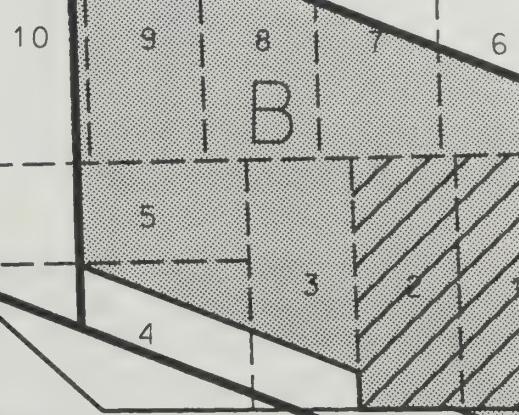
OMNI BLVD

AA

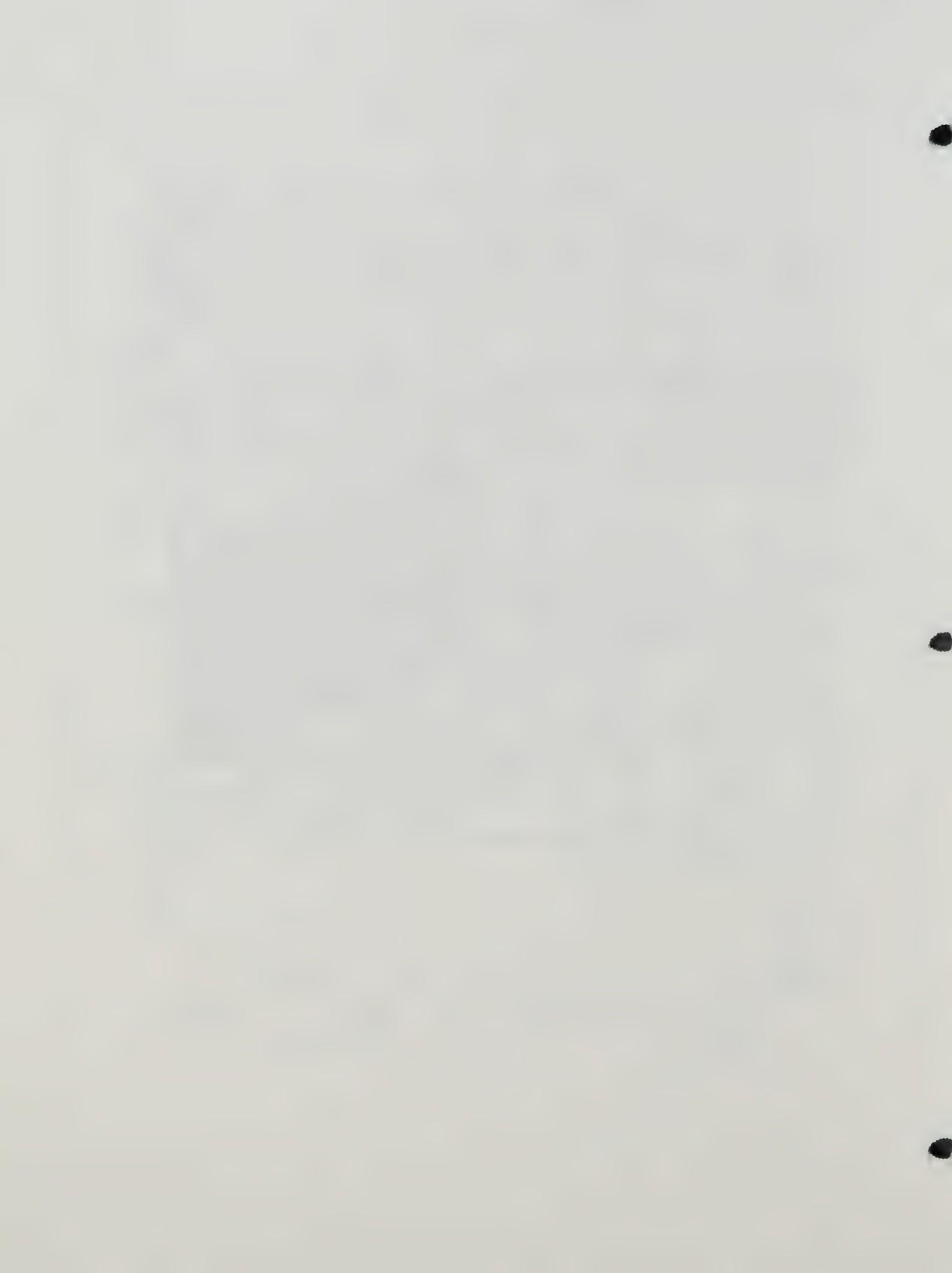
STONE CHURCH ROAD

C

STONE CHURCH ROAD



APPENDIX "B"



2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 14 September 1993
Chappel East Neighbourhood

RECEIVED

SEP 15 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: (1) Proposed Re-zoning Application
(Hamilton ZA-93-09)
(2) Proposed Draft Plan of Subdivision, "Arrowhead Heights of Rymal".
(Regional File 25T-91009)

RECOMMENDATION:

(1) Zoning Application

- a) That approval be given to Amended Zoning Application 93-09, Frank Toth, Tony Di Franco and Angelo Cocca, owners, requesting changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for Block "1", and to "C" (Urban Protected Residential, etc.) District for Block "2", to permit single-family development, on property located at Nos. 478 and 488 Rymal Road East, shown as Blocks "1" and "2" on the attached map marked as Appendix "A", on the following basis:
 - i) That Block "1" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;
 - ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,
 - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located at Nos. 478 and 488 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- Block "1" - Change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;
- Block "2" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit future development of Block "1" for 13 "large lot" single-family dwellings (ie. minimum 15.0 m wide lot) and development of Block "2" for 2 single-family dwellings (ie. minimum 12.0 m wide lot). The two existing dwellings fronting onto Rymal Road East (Nos. 478 and 488) would remain on large lots.

(2) Subdivision Application

- a) That approval be given to application 25T-91009, "Arrowhead Heights of Rymal", Frank Toth Construction and Angelo Cocca, owners, to establish a draft plan of subdivision, on lands located south of Rymal Road East and east of Upper Wentworth Street in the Chappel East Neighbourhood, subject to the following conditions:
 1. That this approval apply to the plan, as revised in red, prepared by J.P. Woolley, O.L.S., dated June 4, 1991, now showing 15 lots for single family dwellings.
 2. That Street "A" be established to its full width of 20.00m in front of Lots 1 to 7 (inclusive) and Lots 14 and 15.
 3. That sufficient land be dedicated to the Region, for road widening purposes, to establish the property line 18.29 m from the centre line of the original Rymal Road road allowance.
 4. That a 2.0m x 2.0m day light triangle be established on the L-shaped corner of Lot 1.
 5. That the S-bend curve on Arrowhead Drive, east of Street "A", be revised to accommodate a 250.0 centre line radius transition and a minimum tangent section between the curves of 15.0m (see attached plan).

6. That 0.30m reserves be established at the dead-ends of Street "A" and Arrowhead Drive and along the open side of Street "A", and these 0.30m reserves are to be conveyed to the City of Hamilton.
 7. That the Final Plan not be registered until Arrowhead Drive from Upper Wentworth Street to the west limit of this subdivision has been opened by By-law.
 8. That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 9. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 10. That the final plan conform with the Zoning By-law approved under the Planning Act.
 11. That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 12. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 13. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 14. That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 15. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91009), Frank Toth, Tony Di Franco and Angelo Cocca, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Location:

The lands, comprising 1.108 hectares, are located south of Rymal Road East and east of Upper Wentworth Street in the Chappel East Neighbourhood, City of Hamilton.

Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	two single-family dwellings	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"G-1" (Designed Shopping Centre) District
to the south	vacant	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"AA" (Agricultural) District
to the west	Townhouse dwellings and vacant lands	"DE" (Low Density Multiple Dwellings) District and "AA" (Agricultural) District

Re-zoning Proposal:

Re-zoning Proposal:

The owner is proposing to rezone lands located at Nos. 478 and 488 Rymal Road East to permit the development of a residential subdivision.

Subdivision Proposal:

The owner is proposing to subdivide the lands into 15 lots for single family dwellings.

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as Residential & Related Uses. The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated for single and double residential with a requirement for large lot development. The proposal complies.

Zoning The changes shown in Appendix "A" and outlined recommendation (1) above, are required to permit the proposed development.

Comments from Circulation:

1. Re-zoning Application:

- The Traffic Department, Hamilton Region Conservation Authority, and TransCanada Pipelines have no comments or objections.
- The Building Department has advised that:
 1. *Every lot in a B-2 zoning district shall have a width of at least 15.0m (49.21') and an area of at least 540.0m² (5812.70 sq. ft.).*
 2. *The proposed lots 1 through 6 and 9 to 11 do not conform to the minimum lot area requirements.*
 3. *After reviewing the proposed layout of the lands, it appears that all proposed lots could meet the minimum requirements if the lands of Block 16, 17 and 18 were incorporated into the lots. Example, incorporate Block 18 lands equally into lots 9, 10 and 11, so that each lot would have an approximate lot width of 17.0m and a lot area of 552.0m².*

4. *The applicant's lands to be retained are located in an "AA" zoning district shall conform to the minimum lot area of 12,000m² and the minimum rear yard of 10.5 m. A variance for lot area and possible rear yard is required."*
- The Hamilton-Wentworth Roads Department has advised that:

"There are public watermains available on Rymal Road, however, there are no sewers on Rymal Road fronting the subject lands. The rear lands are to be serviced under a plan of subdivision known as "Arrowhead Heights of Rymal".

The designated road allowance width of Rymal Road is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region, for road widening purposes, to establish the property line 18.29 m from the centreline of the original Rymal Road road allowance.

These lands are also the subject of "Arrowhead Heights of Rymal" plan of subdivision. We have attached a copy of our previous comments dated August 13, 1991 which are still applicable to the approval of this application.

The application has now been amended to include lands fronting on Rymal Road. According to the approved Chappel East neighbourhood plan, the lands fronting on Rymal Road are designated for "larger lots". It is our opinion that new single family development fronting on Rymal Road should be discouraged and it would be appropriate to rezone lands fronting on Rymal Road to a "B" zone with 20m minimum frontage instead of a "B-2" zone with 15m minimum frontage."

2. Subdivision Application:

The following agencies were circulated and have advised that they have either no comments or objections to the approval of the proposed plan of subdivision:

- Ontario Hydro, Union Gas and Bell Canada.

The Hamilton-Wentworth Roads Department submitted the following:

FOR INFORMATION:

- (1) *Public watermains are available on Arrowhead Drive to service the proposed development.*

- (2) Construction of public storm and sanitary sewers on Arrowhead Drive is not yet complete, however, it is expected that these sewers will be available to service the proposed development in the near future.
- (3) Road access is available to Upper Wentworth Street through the existing portion of Arrowhead Drive subsequent to the completion of sewers and pavement of the road surface on the existing portion of Arrowhead Drive.
- (4) The 0.30 m reserve along the east limit of Arrowhead Drive Plan 62M-678 will be lifted upon registration of this plan of Subdivision.

RECOMMENDATION:

- (1) That Street "A" be established to its full width of 20.00m in front of Lots 1 to 7 (inclusive) and Lots 18 to 20 (inclusive).
- (2) That a 2.0m x 2.0m day light triangle be established on the L-shaped corner of Lot 1.
- (3) That "Lands to be Retained" (numbers 478 and 488 Rymal Road East) be deemed to be part of the plan and therefore, the applicant be required to grant to the Region a 3.048 m wide road widening along the Rymal Road frontage.
- (4) That the S-bend curve on Arrowhead Drive, east of Street "A", be revised to accommodate a 250.0 centre line radius transition and a minimum tangent section between the curves of 15.0m (see attached plan).
- (5) That 0.30m reserves be established at the dead-ends of Street "A" and Arrowhead Drive and along the open side of Street "A", and these 0.30m reserves are to be conveyed to the City of Hamilton.
- (6) That the Final Plan not be registered until Arrowhead Drive from Upper Wentworth Street to the west limit of this subdivision has been opened by By-law.
- (7) That the Owner enter into subdivision agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.

The submitted plan was prepared by J. Patrick Woolley, O.L.S. and stamped with the date June 3, 1991, is satisfactory to this department subject to the above noted comments and recommendations.

COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The proposal complies with the intent of the Official Plan.
3. The proposal complies with the intent of the Chappel East Neighbourhood Plan.
4. The proposal has merit and can be supported for the following reasons:
 - i) It implements the intent of the Official Plan, which designates the subject lands "RESIDENTIAL", and the approved Chappel East Neighbourhood Plan, which designates the subject lands "SINGLE and DOUBLE RESIDENTIAL" and "AREA OF LARGER LOTS".

In this regard, the intent of the Official Plan is to provide for a variety of housing styles, types and densities in all residential areas of the City. It is noted that the "LARGER LOT" designation in the Chappel East Neighbourhood is one of the few areas in the City designated for larger lots. Therefore, development of the subject lands for larger lots would implement Council's policy to provide for a variety of housing styles, types and densities;
 - ii) It would be compatible with existing and future planned development in this area, including existing and proposed larger residential lots to the east; and
 - iii) The requested changes in zoning are appropriate for the proposed development of the subject lands.
5. It should be noted that, although the proposed rezoning of Block "2" (lots 7 and 8) to "C" District, does not fully comply with the intent of the "Large Lot" Neighbourhood Plan designation, it can be supported on the basis that it would act as a transition between the "DE" (Low Density Multiple Dwellings) District lands to the west and the proposed "Large Lot" single-family dwellings. A Neighbourhood Plan redesignation of the two "C" District lots is not recommended.
6. The Building Department's comments regarding variances required to the "B-2" District and "AA" District regulations have been addressed by the applicants amending their application to include the existing dwellings at Nos. 478 and 488 Rymal Road East, and by re-lotting Block "1" to meet the minimum lot width and area requirements.
7. The Regional Roads Department has indicated that sufficient land is to be dedicated to the Region, for road widening purposes, to establish the property line 18.29 m from the centre line of the original Rymal Road road allowance. This dedication should be made

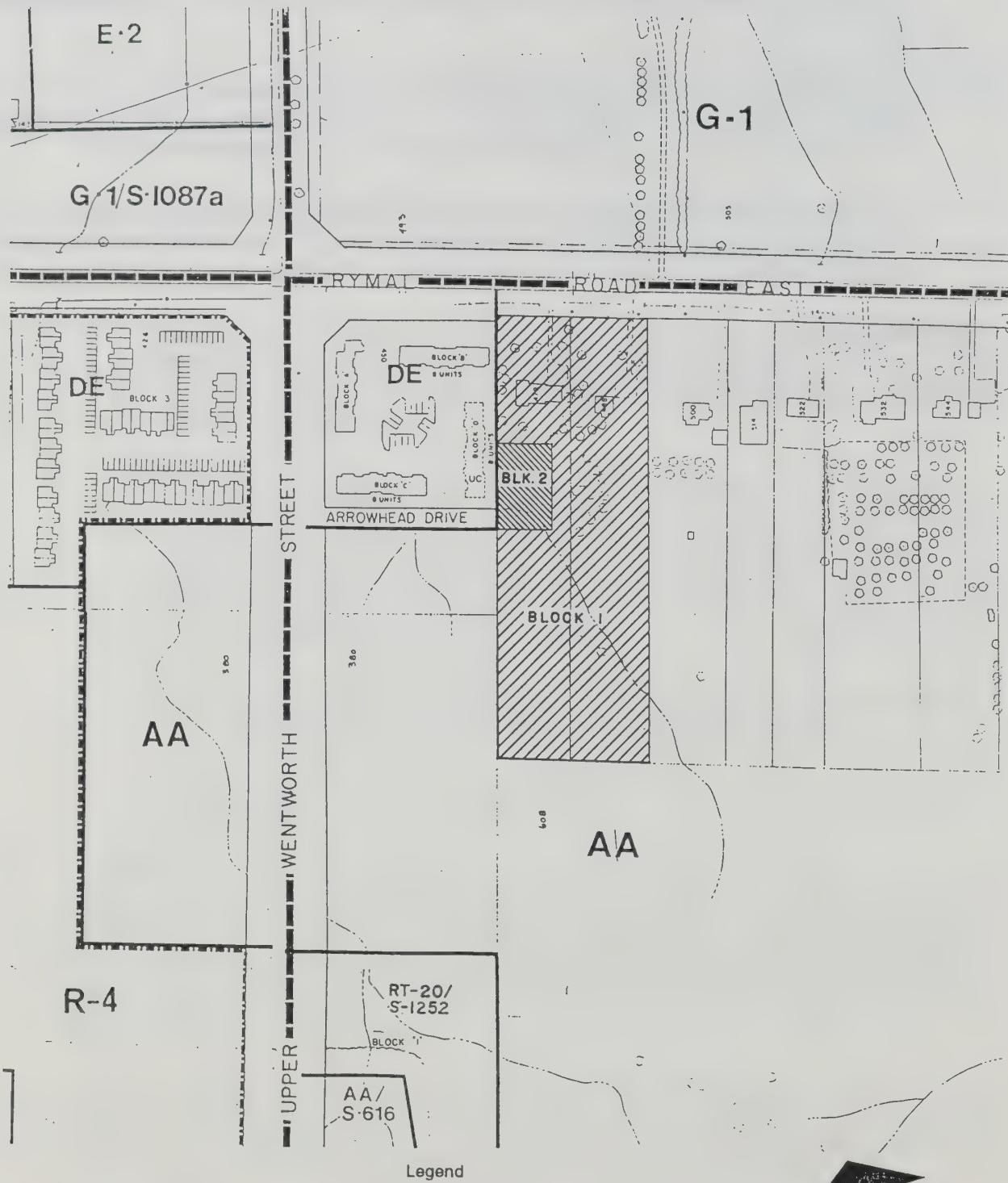
a condition of draft approval of Arrowhead Heights of Rymal Draft Plan of Subdivision (25T-91009).

8. The proposal will require a minor adjustment to the alignment of Arrowhead Drive on the approved Chappel East Neighbourhood Plan, as well as a number of "red line" revisions to the lotting shown on the draft plan of subdivision (File 25T-91009).
9. The Neighbourhood Plan designates an area for "Park and Recreational" purposes nearby. Therefore, it is recommended that a cash payment in lieu of the conveyance of 5% of the land be made by the owner.

CONCLUSION:

Based on the foregoing, the proposals can be supported.

GAW/CLM/RL\Attach.



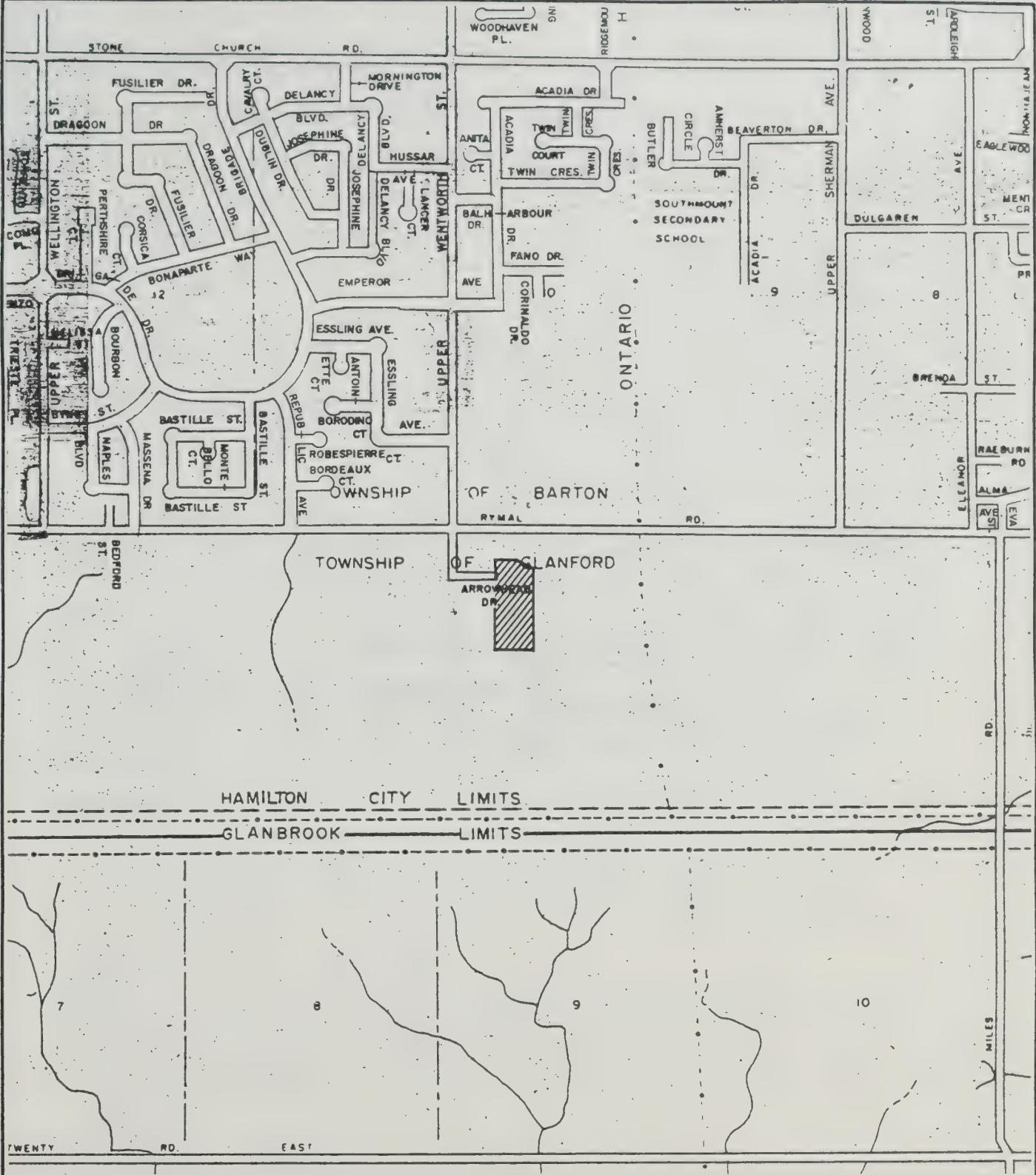
Proposed Changes in Zoning From "AA" (Agricultural) District to:

BLOCK 1 "B-2" (Suburban Residential) District.

BLOCK 2 "C" (Urban Protected Residential, etc.) District.

ZAC-93-09

APPENDIX A



Location Plan For

ARROWHEAD HEIGHTS OF RYMAL

25T91009

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

Scale
N.T.S.

Date
JUNE 10, 1991

Reference File No.
25T-91009

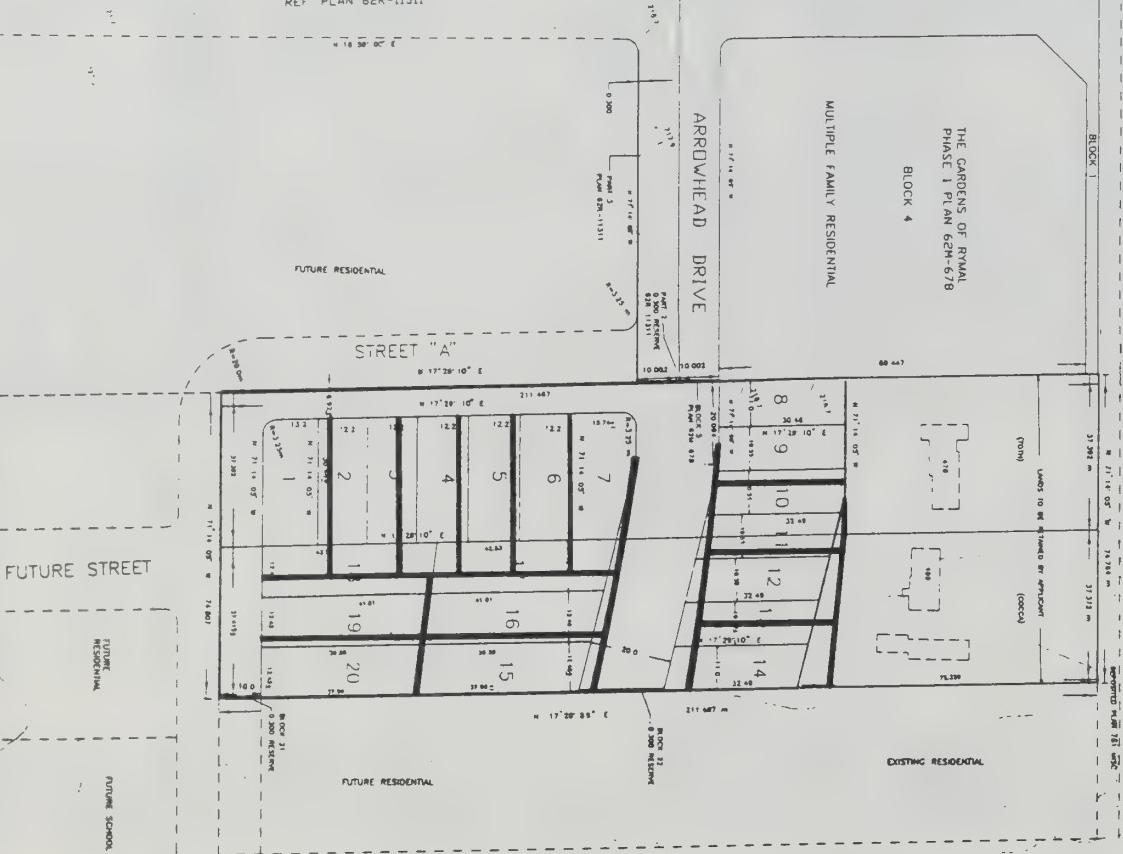
Drawing No.

FUTURE EXTENSION OF UPPER WENTWORTH STREET

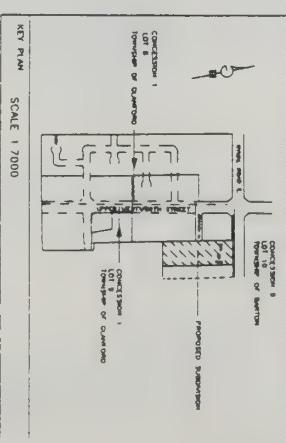
REF PLAN 62R-11311

UPPER WENTWORTH STREET

RYMAL ROAD EAST (HWY No. 53)



CAUTION:
THIS IS NOT A FINAL PLAN AND IS SUBJECT TO
REVISION AND AMENDMENT.
NOTE:
CONTOURS SHOWN ON THIS PLAN HAVE BEEN
TAKEN FROM REGIONAL LAND USE MAPS



DRAFT PLAN of SUBDIVISION
of
ARROWHEAD HEIGHTS OF RYMAL

BY
PART OF LOT 8 - CONCESSION 1
IN THE TOWNSHIP
TOWNSHIP OF CRAWFORD
NOW IN THE
CITY OF HAMILTON
IN THE
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Scale 1:600

SURVEYOR'S CERTIFICATE

WE HEREBY AUTHORIZE SIDNEY WOODS ENGINEERING INC TO
SUBMIT THIS PLAN FOR APPROVAL

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS UNDER APPLICATION BY THIS PLAN
ARE ACCURATELY LOCATED AND THAT THE RELATIONSHIP TO THE ADJACENT UNITS ARE ACCURATELY
AND CORRECTLY SHOWN

PATRICK WOODS OLS

SCHEDULE:

RE SECTION 50(2) OF THE PLANNING ACT RSA 1983

- A) SHOWN ON PLAN
- B) SHOWN ON PLAN
- C) SHOWN ON PLAN
- D) SINGLE FAMILY RESIDENTIAL
- E) AGRICULTURAL AND RESIDENTIAL
- F) SHOWN ON PLAN
- G) SHOWN ON PLAN
- H) MUNICIPAL WATER SUPPLY
- I) CLAY TILES SHOWN ON PLAN
- J) MUNICIPAL SERVICES AVAILABLE SHOWN ON PLAN
- K) SHOWN ON PLAN

PRINTED
JUN 3 1991
SIDNEY W. WOODS
SIDNEY W. WOODS
ENGINEERING INC.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT

FAX - (416) 546-2764

GENERAL INQUIRIES - (416) 546-2720

Refer to File

ZAC-93-09

Attention of

S. Parker

Telephone

546-2722

April 6, 1993

MAP NUMBER: E-27E

PROPOSED ZONING: C and B-2

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: ZAC-93-09
REAR OF 478 and 488 RYMAL ROAD EAST

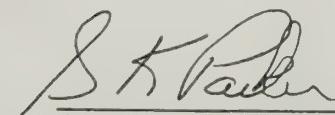
P.M PM
SF GW Rev

The above, under cover of your letter dated February 25, 1993, has been examined.

COMMENTS:

1. Every lot in a B-2 zoning district shall have a width of at least 15.0m (49.21') and an area of at least 540.0m² (5812.70 sq. ft.).
2. The proposed lots 1 through 6 and 9 to 11 do not conform to the minimum lot area requirements.
3. After reviewing the proposed layout of the lands, it appears that all proposed lots could meet the minimum requirements if the lands of Block 16, 17 and 18 were incorporated into the lots. Example, incorporate Block 18 lands equally into Lots 9, 10 and 11, so that each lot would have an approximate lot width of 17.0m and lot area of 552.0m².
4. The applicants' lands to be retained are located in an "AA" zoning district shall conform to the minimum lot area of 12,000m² and the minimum rear yard of 10.5m. A variance for lot area and possible rear yard is required.

Yours truly,


for the Building Commissioner

SP/zr

ROADS DEPARTMENT

MEMORANDUM

TO:

P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE: ZAC-93-09

FROM:

E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0303
PHONE: (416) 546-2809

SUBJECT:

Zoning Application 93-09 by
Messrs. Frank Toth & Tony DiFranco and
Mr. Angelo Coccia for the properties at
478 and 488 Rymal Road East

DATE: 1993 August 24

There are public watermains available on Rymal Road, however there are no sewers on Rymal Road fronting the subject lands. The rear lands are to be serviced under a plan of subdivision known as "Arrowhead Heights of Rymal".

The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region, for road widening purposes, to establish the property line 18.29m from the centreline of the original Rymal Road road allowance.

These lands are also the subject of "Arrowhead Heights of Rymal" plan of subdivision. We have attached a copy of our previous comments dated August 13, 1991 which are still applicable to the approval of this application.

The application has now been amended to include lands fronting on Rymal Road. According to the approved Chappel East neighborhood plan, the lands fronting on Rymal Road are designated for "larger lots". It is our opinion that new single family development fronting on Rymal Road should be discouraged and it would be appropriate to rezone lands fronting on Rymal Road to a "B" zone with 20m minimum frontage instead of a "B-2" zone with 15m minimum frontage.


E.P. CHAJKA
attach.

cc: R. Douglas



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel (416) 546-4170
Fax (416) 526-8885

Refer to File No. S701-69
Attention of M.J. Inrig
Your File No. 25T-91009

August 13, 1991

TO: L Lanza, P. Eng.
Manager of Subdivisions/Condominiums
Regional Planning and Development Department

FROM: K.A. Brenner, P. Eng
Manager of Environmental Planning
Regional Engineering Department

RE: Proposed Draft Plan of Subdivision for
Arrowhead Heights of Rymal - Hamilton

We have the following comments and recommendations with regard to the above noted proposed draft plan of subdivision as submitted with your letter of June 5, 1991.

FOR INFORMATION:

1. Public watermains are available on Arrowhead Drive to service the proposed development.
2. Construction of public storm and sanitary sewers on Arrowhead Drive is not yet complete, however, it is expected that these sewers will be available to service the proposed development in the near future.
3. Road access is available to Upper Wentworth Street through the existing portion of Arrowhead Drive subsequent to the completion of sewers and pavement of the road surface on the existing portion of Arrowhead Drive.
4. The 0.30 m reserve along the east limit of Arrowhead Drive Plan 62M-678 will be lifted upon registration of this plan of Subdivision.

Cont'd....

-Page 2-
August 13, 1991

RE: **Proposed Draft Plan of Subdivision for
Arrowhead Heights of Rymal - Hamilton**

Cont'd....

RECOMMENDATION

1. That Street "A" be established to its full width of 20.00m in front of Lots 1 to 7 (inclusive) and Lots 18 to 20 (inclusive).
2. That a 2.0m x 2.0m day light triangle be established on the L-shaped corner of Lot 1.
3. The "Lands to be Retained" (numbers 478 and 488 Rymal Road East) be deemed to be part of the plan and therefore, the applicant be required to grant to the Region a 3.048 m wide road widening along the Rymal Road frontage.
4. That the S-bend curve on Arrowhead Drive, east of Street "A", be revised to accommodate a 250.0m centre line radius transition and a minimum tangent section between the curves of 15.0m (see attached plan).
5. That 0.30m reserves be established at the dead-ends of Street "A" and Arrowhead Drive and along the open side of Street "A", and these 0.30 m reserves are to be coveyed to the City of Hamilton.
6. That the Final Plan not be registered until Arrowhead Drive from Upper Wentworth Street to the west limit of this subdivision has been opened by By-Law.
7. That the Owner enter into subdivision agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.

The submitted plan as prepared by J. Patrick Woolley, O.L.S. and stamped with the date June 3, 1991 is satisfactory to this department subject to the above noted comments and recommendations.

M/JI:ju *V-H. Bress*

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: September 14, 1993
ZAC-93-19
Macassa Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 792 Upper Gage Avenue.

RECEIVED

SEP 15 1993

CITY CLERKS

RECOMMENDATION:

- A. That approval be given to amended Zoning Application 93-19, Dr. Steve Marcogliese, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit a dental office within the existing building, for the property located at No. 792 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- a) That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:
- 1) a dental office, only within the existing building and having a maximum gross floor area of 234.0 m² (2519.0 S.F.);
- 2) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- 3) an unlighted ground sign having an area of not more than 0.74 square metres and shall be located not less than 3.0 m from the nearest street line.
- b) That notwithstanding Section 18A.(24)(b)(i) of Zoning By-law No. 6593, the access/egress driveway within the limits of the drive-through garage shall not be less than 4.5 m in width;
- c) That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, a minimum 2.0 m wide landscape planting strip shall be provided and maintained along the northerly and westerly lot lines;

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38 for presentation to City Council;
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.

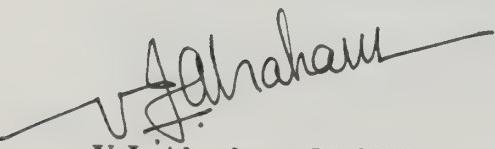
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a modification in zoning to the "C" (Urban Protected Residential, etc.) District, for the property located at 792 Upper Gage Avenue, as shown on the attached map.

The effect of the by-law is to permit a dental office having a maximum gross floor area of 234.0 m² (2,519.0 S.F.) only within the existing building.

In addition, the By-law provides for the following variances as special requirements:

- permits an unlighted name plate having an area of not more than 0.2 square metres;
- permits an unlighted ground sign having an area of not more than 0.74 square metres and shall be located not less than 3.0 m from the nearest street line;
- permits the access/egress driveway within the limits of the drive-through garage to have a width of not less than 4.5 m, whereas a minimum 5.5 m is required; and,
- requires a minimum 2.0 m wide landscape planting strip along the northerly and westerly lot lines, whereas a minimum 1.5 m wide landscaped planting strip is required.



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit a dental office within the existing building for the property located at No. 792 Upper Gage Avenue. A total of fourteen (14) parking spaces, including one (1) handicapped parking space and wheel chair ramp have been proposed in the rear yard (See Appendix "B").

- Zoning Application ZAC-93-07

At the meeting of April 27, 1993 the Planning and Development Committee **approved** Zoning Application 93-07, by P.X. Dermody Funeral Homes, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a funeral home within the existing building, for the lands located at 796 Upper Gage Avenue, immediately south of the subject lands.

LOT SIZE AND AREA:

- 30.48 m (100 ft.) of lot frontage on Upper Gage Avenue;
- 43.58 m (143 ft.) of lot depth; and,
- 1328.47 m² (14,300 S.F.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Commercial/Retail	"H" (Community Shopping and Commercial, etc.) District
to the west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single-Family Dwellings and a Multiple Dwelling	"C" (Urban Protected Residential, etc.) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District - Modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
 - i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:
 - i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Macassa Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comment or objections:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.

- The Roads Department has advised:

"There are public watermains and combined storm and sanitary sewers available to service these lands."

- The Building Department has advised:

- "1. The use as a dental office is not permitted in the district.
2. The drive-through garage must provide a clear 5.5 m driveway width.
3. Parking spaces 1 and 2 are located in the required front yard and are not permitted.
4. Based on the total gross floor area 314.912 square metres, 17 parking spaces are required.
5. Parking space 14 cannot be construed to be a required parking space, if it is obstructed by any entrance way.
6. Visual barriers are required along the north and west property lines."

Further to the above-mentioned comments the Building Department has advised:

- "1. Comments 1 and 2 of our letter dated June 7th are outstanding.
2. Comments 3, 4, 5, and 6 are satisfied.
3. The 4.577 m dimension of the existing doorway obstructs the required 5.5 meter driveway width."

- The Traffic Department has advised:

"In response to your letter of May 31, 1993, please be advised that we have reviewed the above application and find the change in zoning to be satisfactory. However, the applicant will require a variance to allow for the driveway to be less than 5.5 m in width for that section of the driveway going through the garage."

In response to your memorandum of 1993 August 31 and further revised sketch that was delivered on 1993 September 09, please be advised that we have reviewed the above revised application and have the following comments.

We recognize that the applicant has maximized the supply of parking spaces at the rear of the property as we had recommended with a small design modification. We also find the front yard "unit pavers" area to be satisfactory and recommend its implementation.

We continue to recommend the 0.8 m wide landscaping buffer shown in the original plan abutting the south property line at the driveway be reinstated and the landscaped strips at the rear of the property extend out only a maximum 4.5 m for the reasons stated in our 1993 August letter."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the provisions of policy A.2.1.5. of the Official Plan respecting the location of medical offices within RESIDENTIALLY designated areas;
 - ii) it is suitably located on the periphery of the Macassa Neighbourhood on a major arterial road (i.e., Upper Gage Avenue), and would be compatible with existing development in the area; and,
 - iii) it is a minor extension of the commercially designated and zoned lands to the south.
3. Based upon a preliminary site plan (see Appendix "B"), approval of the application would require the following as special requirements:

- **Signs**

Signage should be limited to an unlighted name plate having an area of not more than 0.2 square metres (2.15 sq.ft.). This is consistent with previous zoning amendments for dental offices within residential zoning districts.

Furthermore, an unlighted ground sign having an area of not more than .074 square metres (7.96 sq. ft.) and located not less than 3.0 from the nearest street line whereas 6.0 m is required. This variance is considered minor in nature and can be supported.

- **Buffering and Screening**

A minimum 2.0 m wide landscape planting strip and a minimum 1.8 m high visual barrier have been proposed along the northerly and westerly lot lines next to the abutting residential uses to mitigate any potential negative spill over effects of the parking area (e.g., noise, headlight glare). The visual barrier satisfies the parking requirements of Section 18A of the Zoning By-law, however it states that a minimum 1.5 m wide landscaped planting strip shall be provided next to residential districts. The applicant has agreed to provide the increased landscaped planting strip as part of the modification in zoning, thus it should be stipulated as a special provision.

- **Access/Egress Driveway**

The access/egress driveway, within the limits of the drive-through garage, will be a minimum 4.5 m in width, whereas a minimum 5.5 m width is required. The Traffic Department supports this reduction. The variance is minor in nature and can be supported.

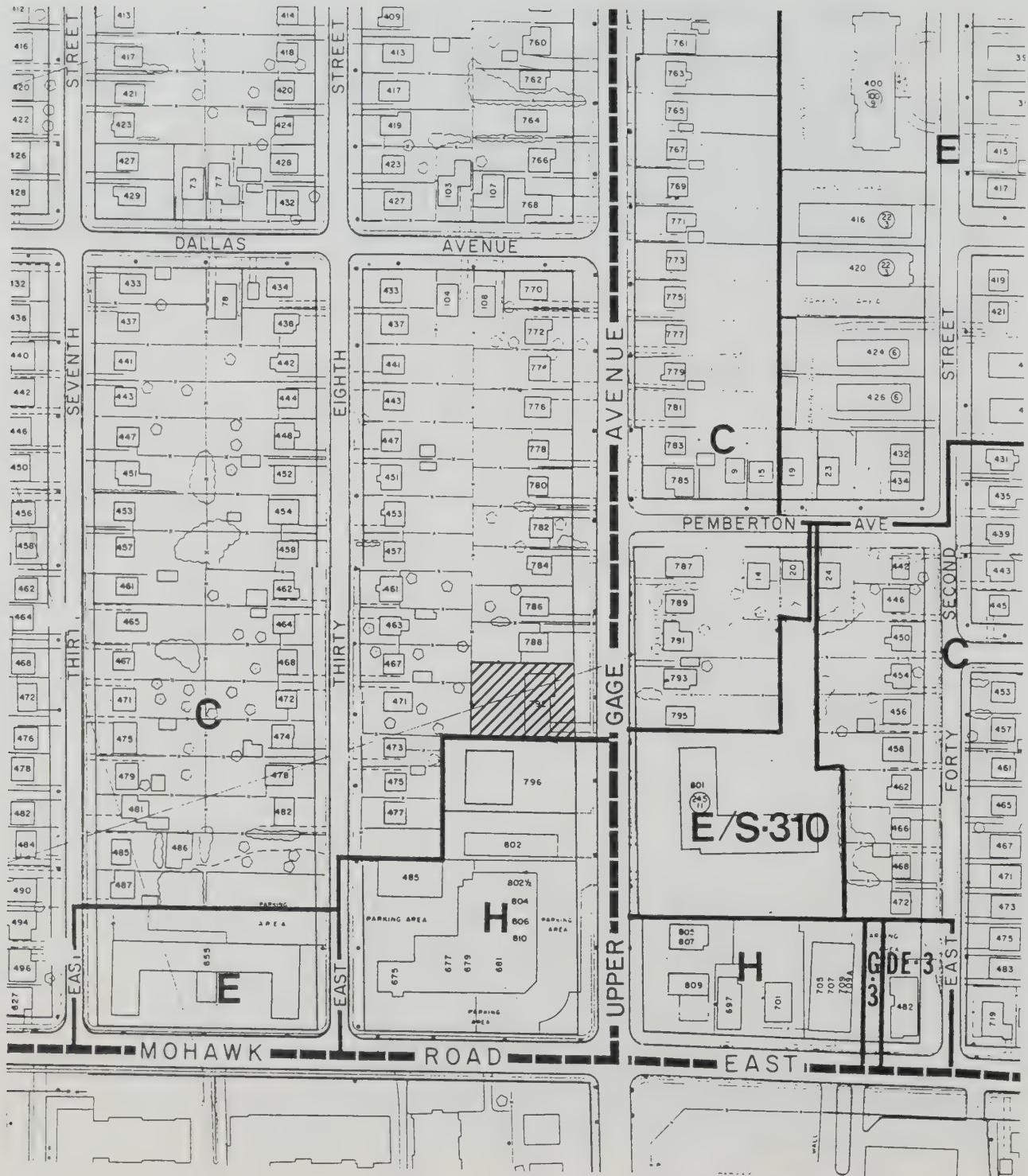
4. Although the applicant intends to utilize the existing building, it will be necessary to alter the site with respect to layout to achieve the required parking spaces and planting strips as shown on the preliminary site plan and Traffic Departments recommendations (Appendix "B").

However, the lands are not subject to Site Plan Control By-law 79-275, as amended by by-law No. 87-233. Thus, it would be prudent to place the lands under Site Plan Control so concerns regarding the parking layout, grading, fencing, landscaping, etc. can be reviewed.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JL/
ZAC9319



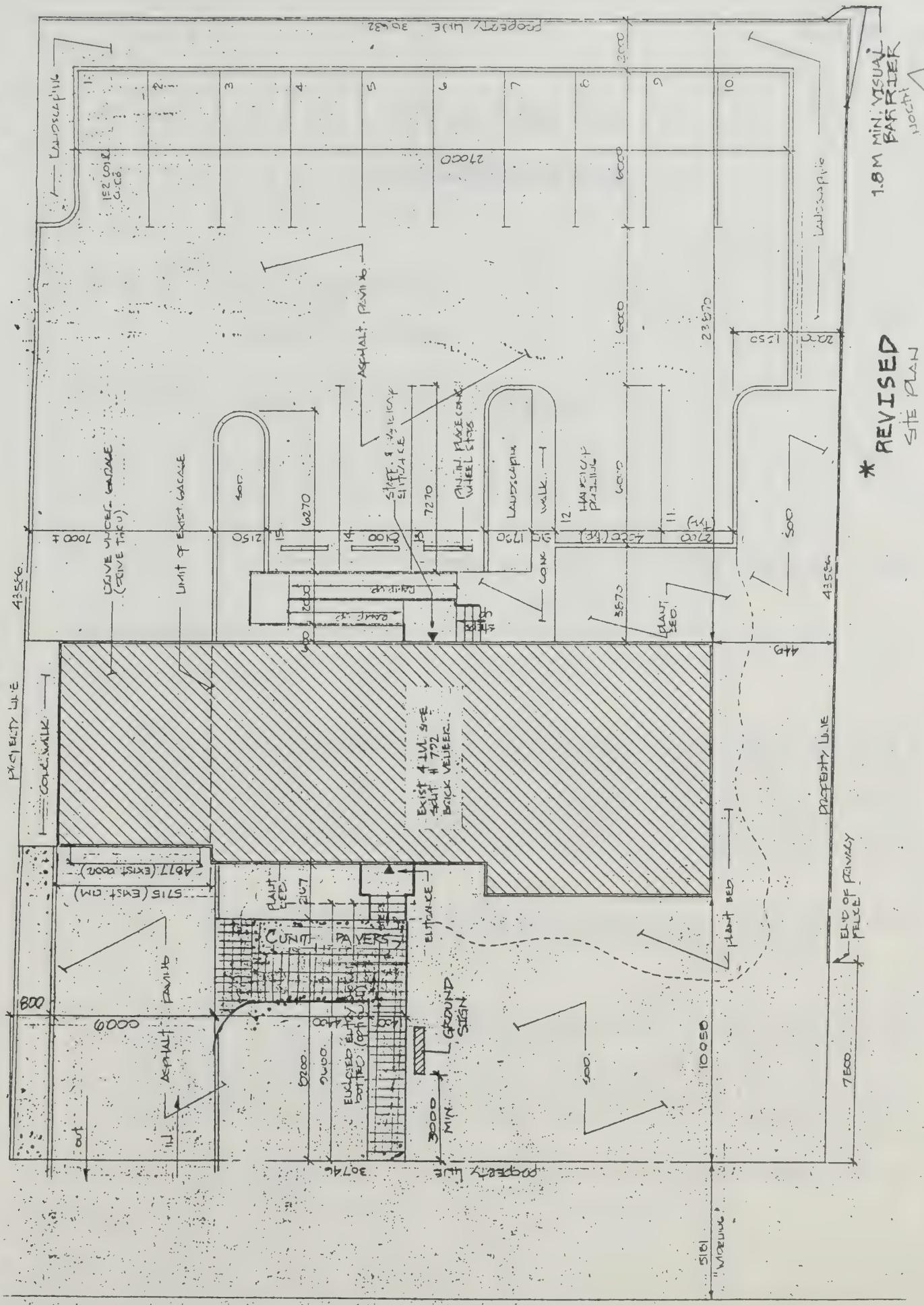
Legend



Site of the Application

ZAC-93-19

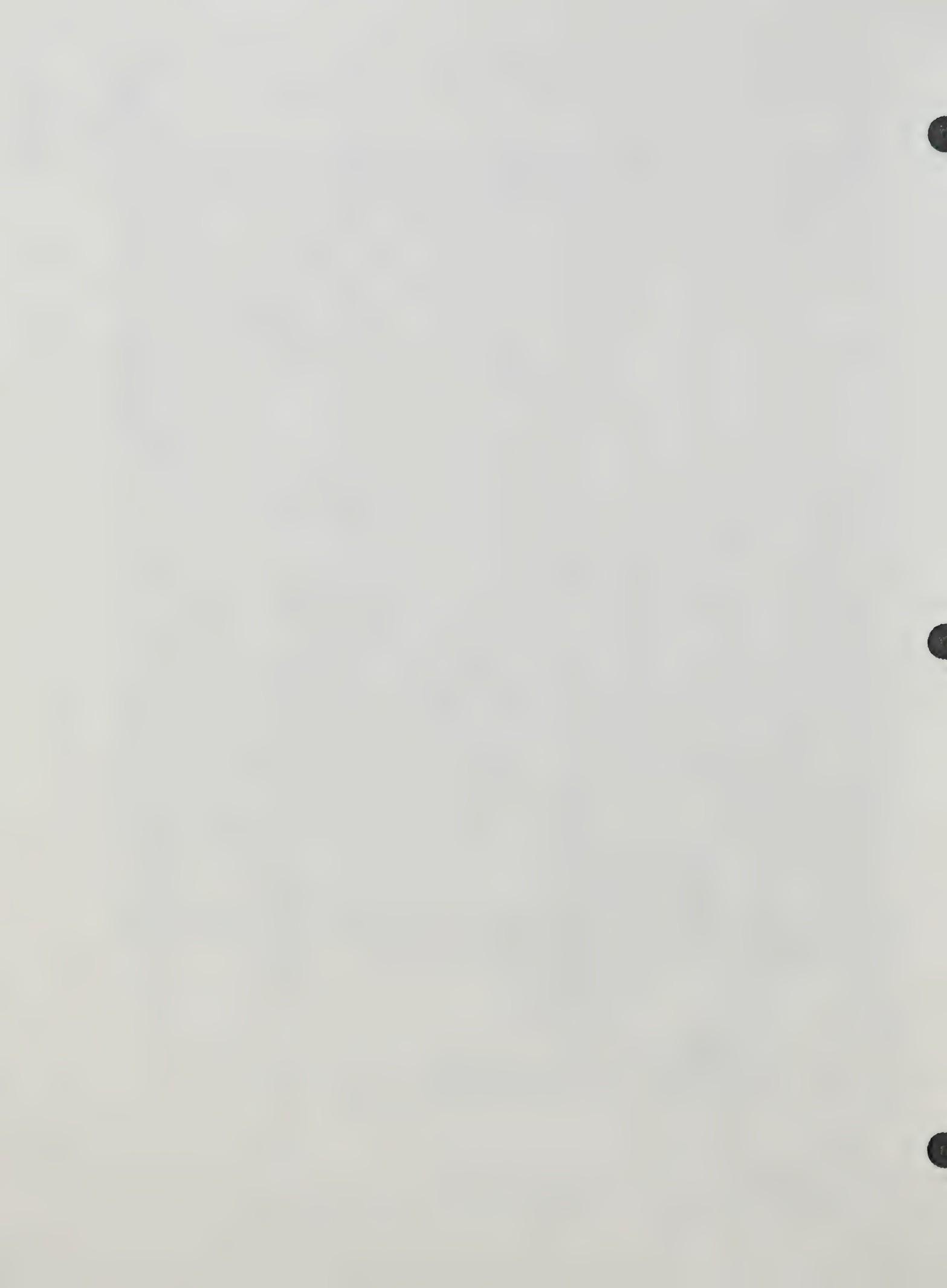
APPENDIX A



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4 (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 September 14
ZAC-93-20
Raleigh Neighbourhood

RECEIVED

SEP 15 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - 952-954 Concession Street

SECOND REPORT:

RECOMMENDATION:

A. That amended Zoning Application 93-20, Mr. and Mrs. Trikas, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit additional commercial uses, including a restaurant, on lands known as 952-954 Concession Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:

- i) the potential spillover effects from the proposed restaurant (noise, parking, litter, etc.) will negatively impact on the adjacent residential neighbourhood.

B. That approval be given to further amended Zoning Application 93-20, Mr. and Mrs. M. Trikas, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit additional commercial uses, on lands known as 952-954 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Section 1 of By-law No. 92-032 applicable to the subject lands be repealed in its entirety.

- ii) That Section 3 of By-law No. 92-032 applicable to the subject lands be amended by removing the words ""C" District and" in the third line, and remove the "s" at the end of the word "sections", and "1 and" in the fourth line, so that this Section will now read as follows:

"No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 2."

- iii) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District.
- iv) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
- a) Notwithstanding Section 13D(1), the uses shall be permitted within the existing building only;
 - b) Notwithstanding Section 13D(1)(B), the following additional commercial uses shall be permitted within the existing building only:
 - a business or professional person's office;
 - a judo/karate club;
 - a video store;
 - a florist;
 - a drapery and blinds store;
 - a pet store; and,
 - a self-service laundry.
 - c) Notwithstanding Section 13D(1)(B), the following commercial uses shall be prohibited:
 - a restaurant or refreshment room;
 - an outdoor patio; and,

- a gun shop.
- d) Section 18A(27) of By-law No. 6593 shall not apply.
- v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1214a, and the subject lands on Zoning District Map E-35 be notated S-1214a;
- vi) The City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District, for property located at 952-954 Concession Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is:

- a) to allow the uses to be permitted within existing building only;
- b) to allow, in addition to the permitted uses within the "G-4" (Designed Neighbourhood Shopping Area) District, the following additional commercial uses within the existing building only:
 - a business or professional person's office;
 - a judo/karate club;
 - a video store;
 - a florist;
 - a drapery and blinds store;
 - a pet store; and,

- a self-service laundry.
- c) to prohibit the following uses:
- a restaurant or refreshment room;
 - an outdoor patio; and,
 - a gun shop.



Victor J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to allow, in addition to the uses permitted within the "G-4" District, the following commercial uses: a business or professional person's office; a video store; a drapery and blinds store; a pet store; a florist; a self-service laundry; a judo/karate club; and, a restaurant with a maximum seating capacity of 25 persons. All these uses, with the exception of the business office, judo/karate club and restaurant with a 25 person maximum seating capacity, are currently permitted under the present "C" (Urban Protected Residential, etc.) District modified, zoning.

Planning and Development Committee, at their meeting of August 25, 1993, TABLED the application "pending the preparation of a Traffic Impact Study and that his be brought forward at the next regular meeting on 1993 September 22."

In this regard, the Traffic Department advises:

"Further to our letter of 1993 June 23 and the Planning and Development Committee meeting of 1993 August 25 during which a Traffic Impact Study was requested, we have the following comments.

It is our understanding that there was previously a restaurant on this site and that it operated with no apparent parking problems. However, we also understand that for this application, the type of restaurant allowed cannot be specified. Given that there is room on-site for only ten parking spaces and that the type of restaurant that could possibly be put on the site alongside the other possible businesses cannot be specified, there is a potential for a parking shortfall. This shortfall could result in a parking spillover onto the neighbouring residential streets.

This intersection has been operating in a satisfactory manner and we do not anticipate that the addition of a restaurant would create any roadway operational problems."

- By-law No. 92-032 (ZA-90-69)

City Council, on January 14, 1992, passed By-law No. 92-032 (APPENDIX "B") which modified the established "C" (Urban Protected Residential, etc.) District for the subject lands to permit the following commercial uses: medical and dental offices; professional offices; photographers's studio; barber shop/hair dresser; variety store; drug store; video store; retail delicatessen; florist; dry cleaning depot; drapery and blinds store; pet store; grocery store; self-service laundry; and, retail bakery. This by-law also modified the existing "G-3" (Public Parking Lots) District for adjacent lands to the west (also owned by the applicant) to: permit access via the alley to the rear to the parking area; require a visual barrier and a landscaped planting strip along the southerly and westerly lot lines.

- Site Plan Control Application DA-91-26

A Site Plan was approved for the "G-3" (Public Parking Lots) District land, adjacent to the west of the subject lands, on June 19, 1991. Approval of By-law No 92-032 was conditional upon the by-law not being forwarded to Council for approval until the applicant had applied for and received site plan approval.

- Previous Background Information

The Building Department records indicate that this property was originally used as a legal non-conforming office for plumbing and household appliances and a legal non-conforming beauty salon. Because the building originally had two legal non-conforming businesses, only two businesses were permitted in the building at any one time. However, there have

been six successful applications made to the Committee of Adjustment to replace the existing legal non-conforming uses with other uses. The following uses have been permitted in this building over the past thirty years (maximum of two at any one time): office for plumbing and household appliances; bicycle repair and sales; drapery outlet and associated office space; beauty salon; catering business; foodstuff and take-out service; restaurant (maximum seating capacity of 25); and a pet food and grooming store.

- By-law No. 67-324

City Council, on November 28, 1967, passed By-law 67-324 which rezoned the adjacent lands to the west (owned by the applicant) from "C" (Urban protected Residential, etc.) District to "G-3" (Public Parking Lots) District.

APPLICANT:

Mr. and Mrs. M. Trikas, owners.

LOT SIZE AND AREA:

The subject property has:

- 14.33 m (47 feet) of lot frontage on Concession Street;
- 30.48 m (100 feet) of lot frontage on Upper Gage Avenue; and,
- 436.78 m² (4,701. 6 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	variety store and vacant retail space	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Mountain Drive Park	"A" (Conservation, Open Space, Park and Recreation) District

to the south, west and east	single family dwellings	"C" (Urban Protected Residential, etc.) District
--------------------------------	-------------------------	--

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, for which the following policies are noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:
 - i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services."

The subject lands are also located within Special Policy Area 1b, - Niagara Escarpment. The following should be noted:

- "A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:
- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.
- A.2.9.1.2 It is intended that development within Area '1b' will be subject to Site Plan Control. In the interim, the issuance of development permits from the NIAGARA ESCARPMENT Commission will be required until that time when the City is delegated this responsibility."

The uses proposed for the existing building are considered to be local commercial uses. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no plan for the Raleigh Neighbourhood.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection to the proposal.
- The Building Department advises:
 - "1. The present By-law 93-032 permits ten (10) of the uses listed in a "G-4" district plus additional uses not specified.

2. One use not included under the present by-law is a sign. The signs permitted in a "G-4" district have specific provisions that shall also be considered.
 3. A restaurant use has restrictions that shall be included."
- The Traffic Department advises:

"...please be advised that we have reviewed the above application and find the change in zoning satisfactory with one recommendation.

The previously approved by-law No. 92-032 permits access via the alley at the rear of Block 1 to the parking area (Block 2). However, the By-law also calls for a landscaped planting strip to be maintained along the southerly lot line as a special requirement which would seem to preclude any access. We therefore recommend that the By-law be rewritten to allow for an opening in the required landscaped strip to allow for access."
 - The Roads Department advises:

"Our previous comments on ZA-90-69 are still applicable to this application and must be included in the approval of this application. A copy of the letter dated December 17, 1990, is attached.

The Board fence adjacent to the public unassumed alley to the rear of the subject lands should be setback a minimum of 3.0m (preferably 5.0m) from the Upper Gage Avenue road allowance limits for motorist sight line requirements entering the street from the alley."

The December 17, 1990, letter states:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The existing road allowance widths of Upper Gage Avenue and Concession Street is 20.12m. The applicant should be advised of a possible future road widening consisting of a 7.62m x 7.62m maximum daylight triangle at the southwest corner of Concession Street and Upper Gage Avenue to improve the turning radius. Should the existing building be demolished, we recommend that these lands be developed through site plan control and that the daylight triangle be dedicated to the region as a condition of site plan approval.

It would appear from our records that the existing fence adjacent to the G-3 Parking lot encroaches into the Concession Street road allowance. Any fence should be on private property only and should be no higher than 0.6m adjacent to Concession Street or within 3 to 5 m of the Concession Street road allowance.

Comments from the City of Hamilton Traffic Department with respect to access, setback, parking, maneuvering etc. should be considered."

- The Niagara Escarpment Commission advises:

"Please be advised that the Niagara Escarpment Commission would not object to the above-noted Proposed Zoning By-law Amendment.

It is the Niagara Escarpment Commission's understanding that his proposed zoning by-law amendment would permit additional uses to the existing structure, which is not intended to be modified externally. However, due to the close proximity of this property to the escarpment brow the Niagara Escarpment Commission would request that any illuminated signage be of a limited size (not greater than the height of the existing building).

...THIS IS A STAFF COMMENT ONLY."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal to permit additional commercial uses on the subject lands has merit in principle on the following basis:
 - it does not conflict with the intent of the Official Plan;
 - it is suitably located at the intersection of two major roads (Upper Gage Avenue and Concession Street);
 - the proposed uses are no less feasible than the existing uses and various uses approved by the previous zoning application and the Committee of Adjustment. The historical use of this building has been for commercial purposes and the additional commercial uses would not alter the character of the neighbourhood; and,

- the "G-4" (Designed Neighbourhood Shopping Area) District is intended to be applied to local commercial uses located within residential neighbourhoods. In this regard, the permitted uses and other regulations are sensitive to low density residential development. Further, the present "C" (Urban Protected Residential, etc.) District modified, zoning is based on the "G-4" (Designed Neighbourhood Shopping Area) District regulations.

However, the applicant's proposal includes a restaurant having a maximum seating capacity of 25 persons. Although a restaurant use was previously established on the site and approved by the Committee of Adjustment (A-87:12), staff have concerns with its re-introduction. More specifically, a restaurant is considered to be a high traffic generator, and the subject lands are adjacent to existing single-family development. The potential spillover effects from a restaurant include: noise, parking, litter, amongst others, which may negatively impact on the adjacent residential neighbourhood. In addition, the Building Department has advised that the nature of the restaurant (ie. fast food, doughnut shop, etc.) cannot be controlled for the purposes of by-law enforcement in the zoning by-law. On this basis, the requested restaurant use cannot be supported.

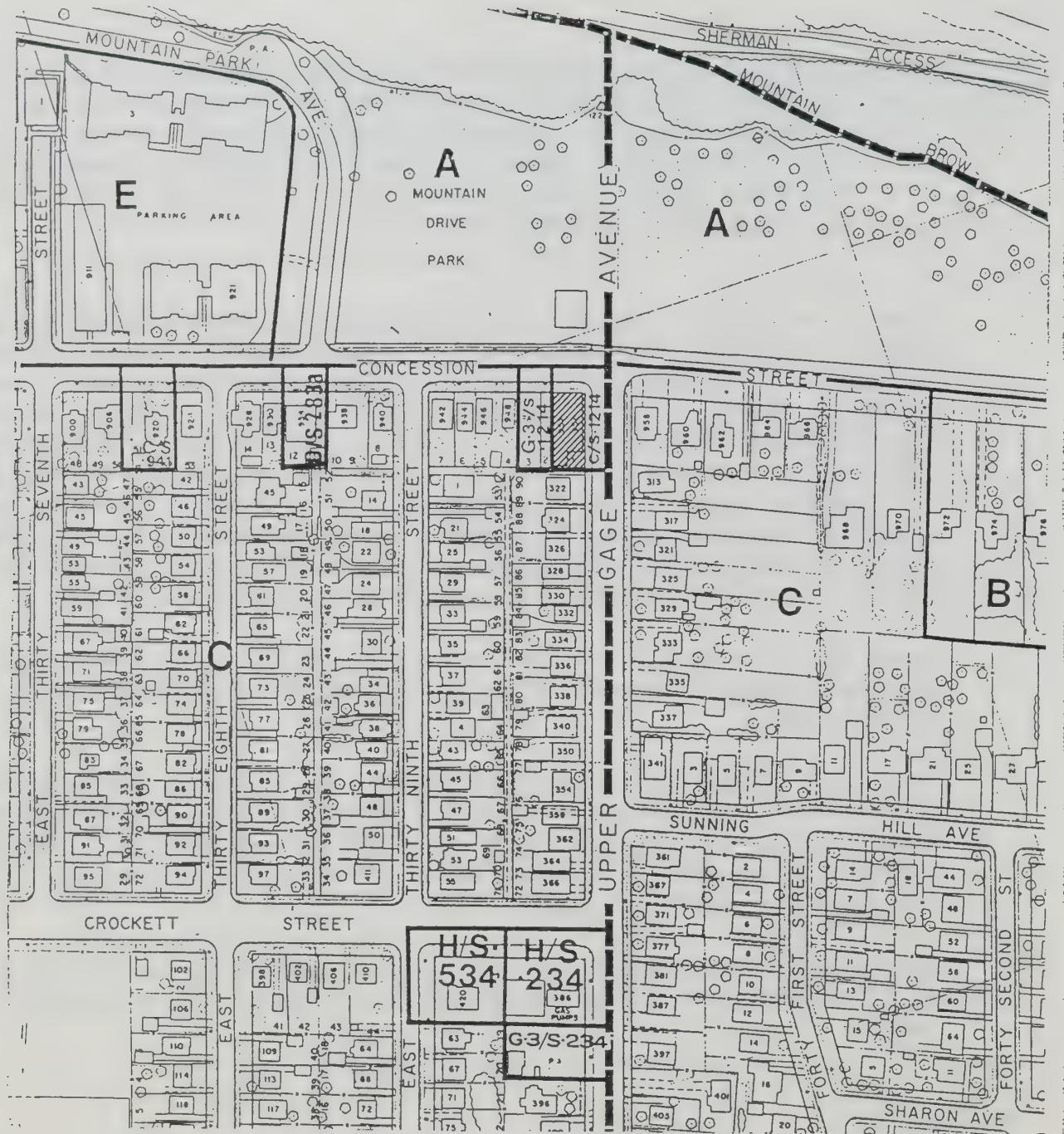
Should the Committee consider approving the requested restaurant use, it would be appropriate to restrict it to a maximum capacity of 25 persons, and to exclude an outdoor patio and take-out.

3. The Traffic Department's comments with respect to the existing by-law are noted. However, the wording of By-law No. 92-032 does not specifically exclude access driveways. Further, as noted in the Background, the subject lands were subject to a Site Plan Control application which provides for access from the alley. On this basis, no change to By-law 92-032 is required.
4. The Niagara Escarpment Commission's concerns regarding signage can be addressed under the regulations for signs of the "G-4" (Designed Neighbourhood Shopping Area) District.

CONCLUSION:

Based on the foregoing, the amended application can be supported with the exception of a restaurant and outdoor patio use.

CLF/
ZAC-93-20



Legend



Site of the Application

ZAC 93-20

A. [Signature]

The Corporation of the City of Hamilton

BY-LAW NO. 92- 032

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 952 AND 954 CONCESSION STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS the special condition relating to this rezoning, referred to in Section 33(b) of the 1st Report of the Planning and Development Committee adopted by City Council on the 29th day of January 1991, has been satisfied.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the land comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

(a) notwithstanding Section 9(1) of By-law No. 6593, the following Commercial Uses shall be permitted within the existing building only,

1. Offices for medical or dental practitioners;
2. Professional person's office;
3. Photographer's studio;
4. Barbershop or hairdressing establishment;
5. A confectionary store;
6. Retail drugstore;
7. Video store;
8. Retail delicatessen store;
9. Florist;
10. A collecting and distributing station for a laundry or a dry-cleaning establishment;
11. Drapery and Blinds Store;
12. Pet Store;
13. Retail grocery store;
14. Self-Service Laundry;
15. Retail bakery;

(b) Section 18A(27) of By-law No. 6593 shall not apply.

2. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the land comprised in Block 2, the extant and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) Section 13C(3)(i) of By-law No. 6593 shall not apply;
- (b) notwithstanding Section 13C(3)(ii) of By-law No. 6593, a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines;
- (c) notwithstanding Section 13C(3)(iii) of By-law No. 6593, a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District and "G-3" District provisions, subject to the special requirements referred to in sections 1 and 2.

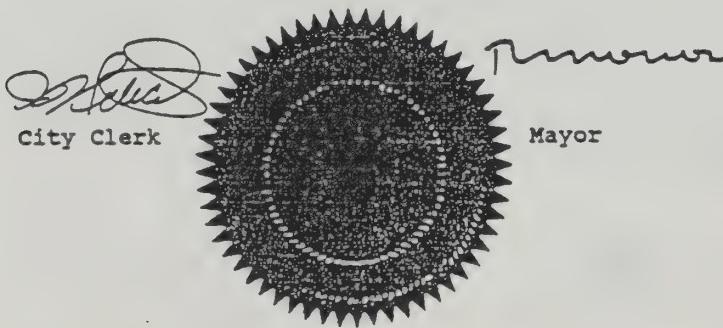
4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1214.

5. Sheet No. E-35 of the District Maps is amended by marking the lands referred to in sections 1 and 2 of this by-law, S-1214.

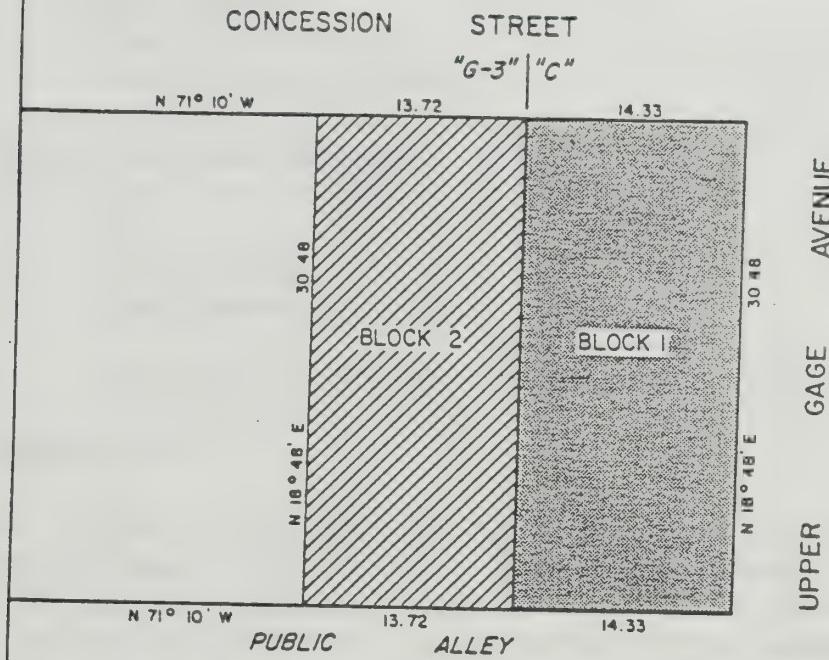
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this 14th day of January

A.D. 1992.



(1991) 1 R.P.D.C. 33(a), January 29
 Mr. and Mrs. M. Trikas, Owners
 Amended ZA-90-69



NOTE: All dimensions are in metres.

This is Schedule "A" to By-Law No. 92-032
Passed the 14th day of January, 1992


Adela
Clark

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 92-232.

to Amend By-Law No. 6593

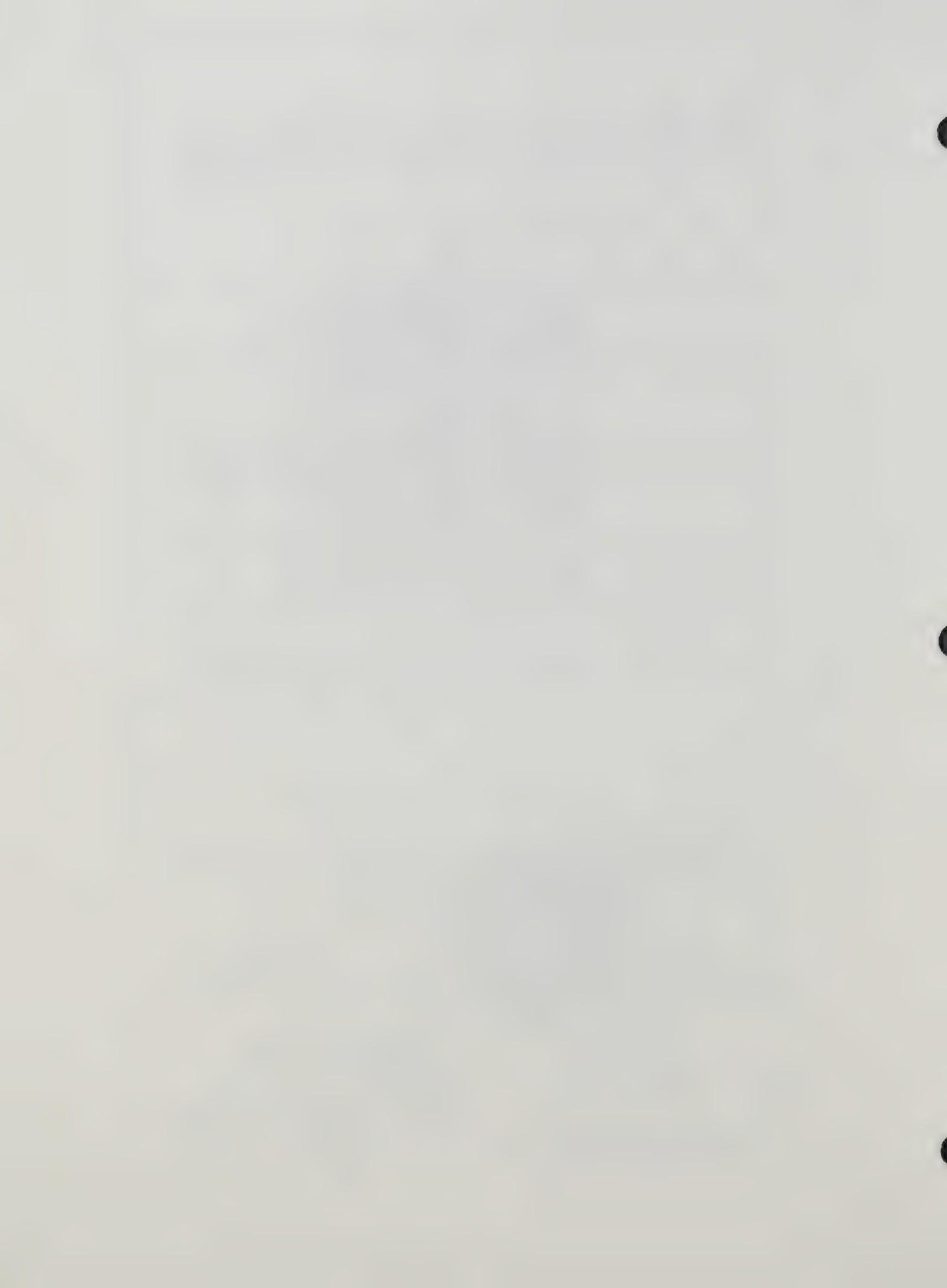
**Regional Municipality of Hamilton-Wentworth
Planning and Development Department**

Legend



Lands to be regulated by
By-Law No. 92-032

	Scale NOT TO SCALE	Reference File No. ZA 90-60
	Date JANUARY, 1991	Drawn By L.B.



4 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 3
 ZAC-93-18
 Lansdale Neighbourhood

RECEIVED

REPORT TO: Tina Agnello, Secretary
 Planning and Development Committee

AUG 17 1993

FROM: Mr. J. D. Thoms
 Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for a modification of zoning - 304 Victoria Avenue. N.

RECOMMENDATION:

That approval be given to Zoning Application 93-18, 304 Victoria Ave. N. Holdings Ltd., (Dr. N. Gagic, President), owner, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit an accessory coffee shop use to be located within the basement of the existing building, located at No. 304 Victoria Avenue North, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-Law No. 86-121, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - a) That Subsection (c) of Section 2. of By-Law No. 86-121 be repealed in its entirety and substituted with a new Subsection (c) as follows:
 - (c) notwithstanding subsection 14(1) of By-Law No. 6593, the use of the basement shall be limited to the following:
 - (i) ACCESSORY USES:
 - 1. a restaurant (coffee shop), provided that:
 - a) it shall have a maximum gross floor area of 65 m²;
 - b) it shall have access only from within the interior of the building; and

- c) no indication of the existence or availability of any such use whether by way of a sign, display, or otherwise shall be visible from the outside of the building.

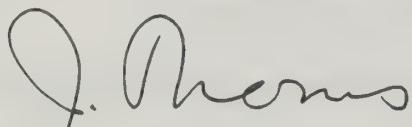
2. storage and utilities.

- b) That subsection (f) of Section 2. of By-Law No. 86-121 be amended by deleting the word "and" after 4(c), and adding the phrase "and 4(f)" after 4(i), all in the second line, so that it reads as follows:
- (f) notwithstanding paragraphs 4(a), 4(c), 4(i) and 4(f) of Table 1 of clause 18A(1)(a) of By-Law No. 6593, a minimum of 93 parking space shall be provided and maintained;
- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-940a, and that the subject lands on Zoning District Map E-12 be notated S-940a;
 - iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593, and Zoning District Map E-12 for presentation to City Council;
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

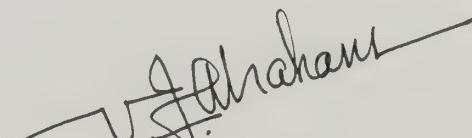
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property located at No. 304 Victoria Avenue North, as shown on the attached map.

The effect of the By-Law is to permit an accessory restaurant (coffee shop) having a maximum gross floor area of 65.0 m² (700.0 sq. ft.) within the basement of the existing building. In addition, the By-Law provides for modifications to restrict access only from within the interior of the building, to prohibit a sign or display to identify the existence of the restaurant (coffee shop) from the street or exterior of the building, and to exempt it from providing seven (7) additional on site parking spaces.



J.D.Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification is to permit only an accessory restaurant (coffee shop) having a maximum gross floor area of 65.0 m² within the basement of the existing building.

- By-Law 86-121

On April 8, 1986, City Council passed By-Law 86-121 which rezoned the subject lands from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified. The By-Law restricts the use of the site to the following: commercial uses on the first floor including a physiotherapy establishment, an x-ray facility, a medical laboratory and a pharmacy. The second, third, fourth and fifth floors are limited to medical offices, while the basement or cellar prohibits commercial uses, but permits storage and utilities. The By-Law also includes the following variances as special requirements: maximum height - five stories; a front yard having a depth of at least 1.0 m; a minimum of 93 parking spaces on-site; to permit parking space, loading space, and manoeuvring space to be off-site; to require the parking space to be set back a minimum of 3.0 m from the front lot line, and, to exempt the development from providing a loading space. By-Law 86-121 came into effect on July 8, 1986.

- Committee of Adjustment Applications

A-87-31

On March 5, 1987, the Committee of Adjustment granted approval of minor variance A-87-31 to permit 3,125 square feet of the basement floor area of the existing building to be used for commercial medical laboratory purposes, notwithstanding that By-Law 86-121 prohibited such use, and that 10 additional required parking spaces will not be provided.

A-91-105

On June 12, 1991, the Committee of Adjustment denied minor variance application A-91-105 to permit 700 square feet of the basement floor area of the existing building to be used for commercial restaurant (lunch bar) purposes, notwithstanding that By-Law 86-121 prohibits such use, and that 7 additional parking spaces will not be provided.

As a result of an appeal filed by the applicant from the decision of the Committee of Adjustment, an Ontario Municipal Board Hearing was held on March 31, 1992. The Ontario Municipal Board after hearing evidence dismissed the appeal without prejudice to a reapplication. In this regard, it was suggested that the applicant proceed with a zoning application to permit the proposed new use.

APPLICANT:

304 Victoria Ave N. Holdings Ltd., (Dr. N. Gagic, President) owner.

LOT SIZE AND AREA:

- 78.05 m (256.06 ft.) of lot frontage on Victoria Avenue North;
- 43.89 m (144.0 ft.) of lot depth; and
- 3,358.78 m² (36,154.8 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	medical offices	"H" (Community Shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	single-family and two-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the south	two-family dwelling, a multiple dwelling and institutional uses	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the east	single-family dwellings and two-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District

to the west	Hamilton General Hospital and a parking ramp	"H" (Community Shopping and Commercial, etc.) District
-------------	---	--

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept plan of the Official Plan. The following policies, among others would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
 - i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal to permit a coffee shop within the existing building does not conflict with the intent of the Official Plan provided that policies A.2.2.34, A.2.2.36 and A.2.2.37 are satisfied.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Landsdale Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The application does not indicate which floor the proposed coffee shop is to be located. The present Site Specific By-Law 86-121 restricts the uses to specific location. Therefore, the applicant should confirm so the By-Law may be amended accordingly."
- The Traffic Department has advised that:

"It is our understanding that the proposed "coffee shop" will only be servicing the employees, patients, and tenants of the building and will not be attracting outside customers. On this basis, we support the requested zoning modification."
- The Roads Department has advised that:

"We have reviewed this application on the basis that it is for a coffee shop to be established in the basement of the existing Medical Building for use by the patients and tenants of the existing building. We have no objection to this application however, we submit the following comments for the information of the applicant.

There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The existing and designated road allowance width of Victoria Avenue is 24.38 m. Therefore, we do not anticipate any further road allowance widenings at this time.

As also noted under DA-86-25, the northerly access to this development will be closed at such time as the grade separation of Victoria Avenue at the C.N.R. Mainline is constructed. A note to this effect was put on the site plan to ensure that owners and tenants of this building were advised of this."
- The Hamilton Region Conservation Authority has no objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Lansdale Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the approved Lansdale Neighbourhood Plan which designates the subject lands "COMMERCIAL";
 - ii) the proposed restaurant (coffee shop) will be an accessory use to the principal permitted use, and will only occupy 65.0 m^2 (700.0 sq.ft.) of area in the basement of the existing building;
 - iii) it is intended to serve only the employees, tenants and patients attending the various medical facilities within the existing building, and as such, would be compatible and should not impact on established development in this area.
4. Approval of the application would require the following variance:
 - To exempt the restaurant (coffee shop) from providing seven (7) required parking spaces.

On the basis that the proposed use only provides an internal service to those attending the medical office facility, no additional parking should be generated. In this regard, the Traffic Department supports the requested variance.

To ensure that the proposed restaurant (coffee shop) functions as an accessory use it would be appropriate to apply the following special requirements:

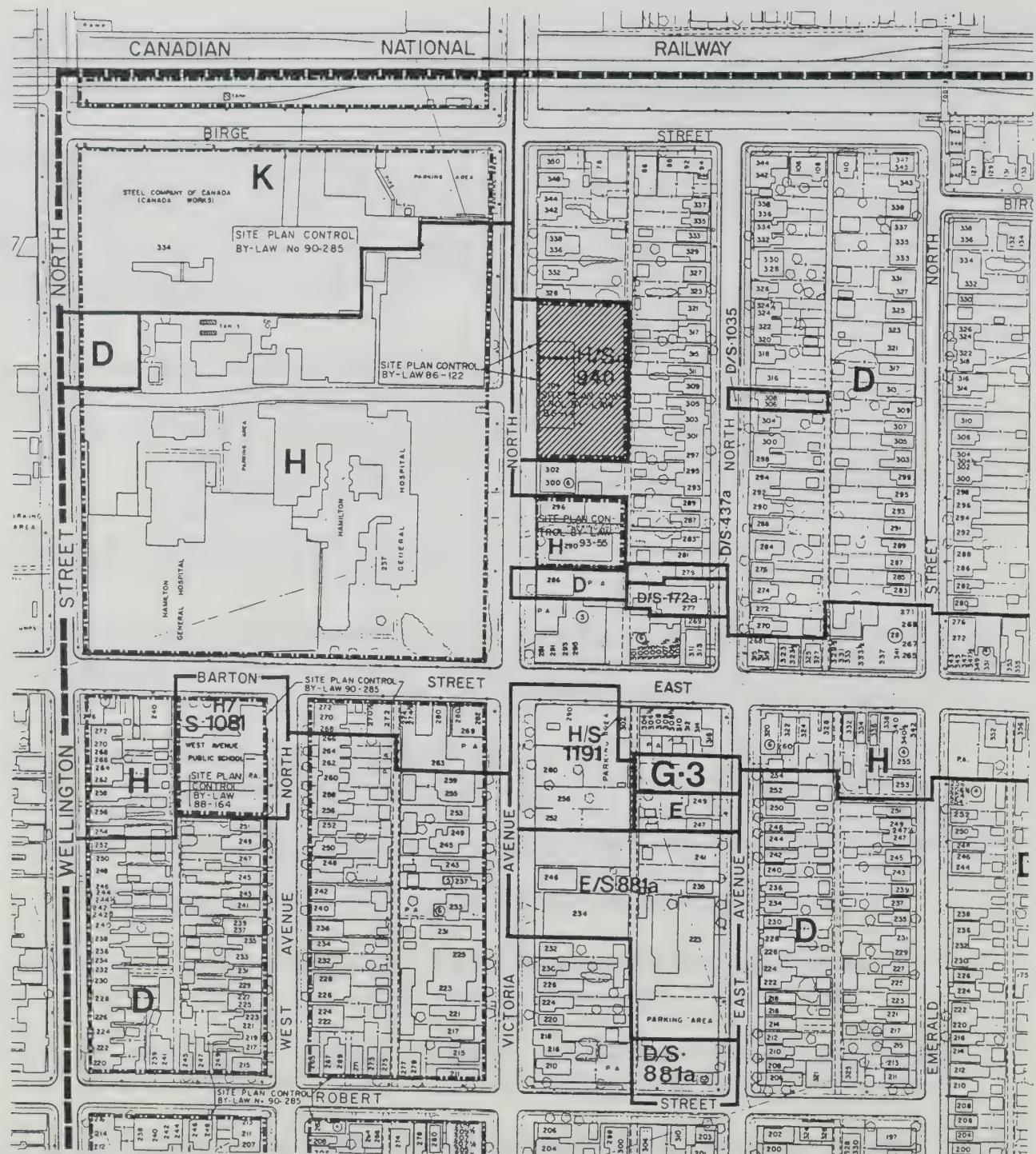
- To restrict the maximum gross floor area to 65 m^2 (700.0 sq. ft.) as proposed;
- To restrict access to only from within the interior of the building;
- To prohibit a sign or display to identify the existence of the restaurant (coffee shop) from the street or exterior of the building.

The applicant's agent was advised of the proposed restrictions and was not opposed to their inclusion in the amending By-Law.

5. It should be noted that the subject lands are subject to the provisions of Site Plan Control By-Law No. 79-275, as amended by By-Law No. 87-223. In this regard, any changes made to the approved site plan require Planning and Development Committee approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.



Legend



Site of the Application

ZAC 93-18

APPENDIX A

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Aug 5

AUG 05 1993

Bernard & Kim I
311 East Ave. I
Hamilton, Onta
L8L 5J6

4(b)i.

ZAC-93-18

August 4, 1993

RECEIVED

AUG 05 1993

CITY CLERKS

To Whom It May Concern:

We would appreciate it if the Medical Centre and/or coffee shop would look into getting garbage bins that meet the needs of this building.

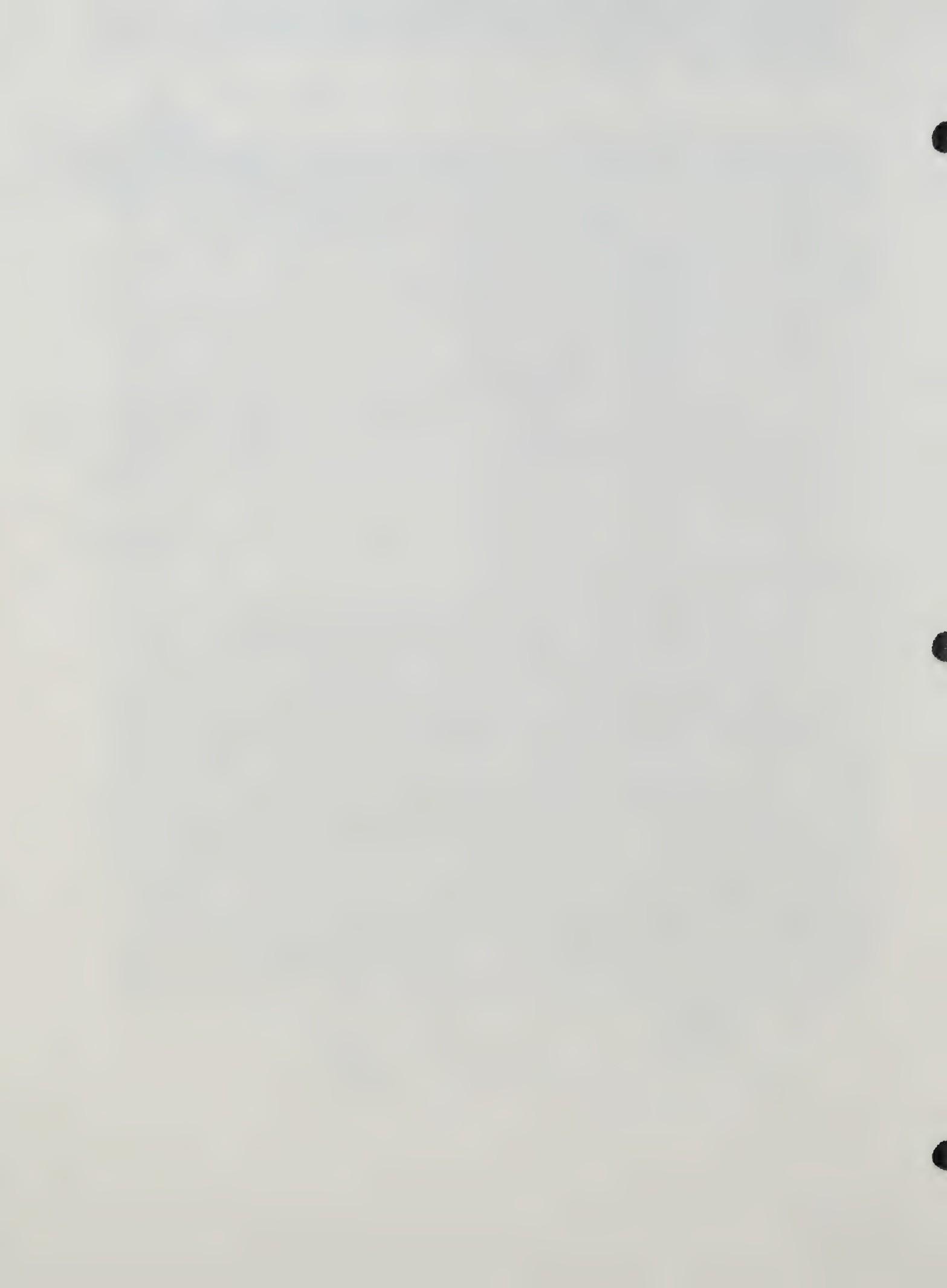
If necessary put a lock on bins so houses cannot use. The bin they have right now is definitely too small for a building this large. We end up with their garbage in our backyards.

I hope someone can take care of this, if not then we would be opposed to modification to the Coffee Shop. (this would mean more garbage)!!!!

Thank you,

K. Ryan

Kim Ryan



5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 14, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Parking of Recreational Vehicles, House Trailers,
and Boats in Residentially Zoned Areas

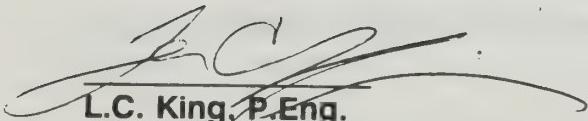
RECEIVED

SEP 1 1993

CITY CLERKS

RECOMMENDATION:

That the Building and Planning Departments be directed to prepare a report for the Planning and Development Committee for consideration of an amendment to Zoning By-law #6593 respecting the parking of mobile homes, recreational vehicles, house trailers, fifth wheels, and boats in residentially zoned districts.



L.C. King, P.Eng.
LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In July of 1993 this Department received an extensive list of complaints pertaining to the parking of mobile homes, recreational vehicles, house trailers, fifth wheels, and boats parked in the driveways of homes located in residentially zoned districts.

Zoning By-law #6593 presently permits the parking of some recreational vehicles with certain limitations under 18A.(15), as follows:

18A.(15) The following vehicles shall not be parked in a residential district:

1. A vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes; or
2. A vehicle which exceeds 6.5 metres in length, or
3. A vehicle which is equipped with dual wheels or tandem axles; or
4. A vehicle which is a tow truck; or
5. A vehicle which is a bus; or
6. A vehicle which is a bus converted into a mobile home; or
7. A vehicle which is a bus used for commercial purposes.

The large number of complaints respecting recreational vehicles has raised the concerns of citizens and elected officials. To date, a number of suggestions have been made respecting an amendment to the by-law.

The report from the Building and Planning Departments will examine the following issues:

1. The prohibition of all vehicles regardless of size limitations.
2. Expansion of existing size limitations.
3. Permitting vehicles of any size during the months of May, June, July, August, and September.
4. Permitting the parking of recreational vehicles only in side yards or only in rear yards.
5. Leave the by-law in its present form.

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993

Sept. 15

286 Inverness Avenue East,
Hamilton, Ontario
L9A 1H2
September 12, 1993

RECEIVED

5 (a)
SEP 15 1993

Alderman Don Drury,
Chairman Planning & Development Committee,
City Hall,
Hamilton, Ontario

Dear Alderman Drury,

CITY CLERKS

You will have read my letter of September 5 with regard to the request by R.V. owners to have the by-law changed and you will have kindly noted the fears I expressed on behalf of the majority of homeowners without R.V.^s parked in their driveways.

I would have liked to attend the next P&D meeting on the 22nd when this item may be on the Agenda but we are on a two day trip to Man a toulin until the 23rd.

If an RV owner states that the vehicles would be parked at the top of the driveway this would not be true, especially if it became legal to park the vehicle anywhere in the driveway. My neighbours use the top area to work and barbecue near the garage door.

I wonder if, after the meeting you could remember to leave a message with your secretary as to the decision of the Committee. I will telephone her.

Thank you very much

Sincerely,

Mary Norris
Mary Norris (Mrs.)

P.S. I have friends whose kitchen window is blocked by a neighbours R.V. She has no view, no sunlight and no cool breeze in summer. I hope the by-law is not changed. Thank you



AGRO'S FOODS, INC.

525 Wilson Street East,
Hamilton, Ontario, L8L 1T4

6.
WHOLESALE DISTRIBUTORS
OF QUALITY MUSHROOMS
Phone: (416) 522-1580

PRODUCE (416) 522-7667
SEAFOOD (416) 527-6051
GOURMET (416) 522-2476

September 15/93

Planning and Development Committee of Hamilton.

Re: Demolition permit for 105 Park St. North.

RECEIVED
SEP 15 1993

Dear Sirs,

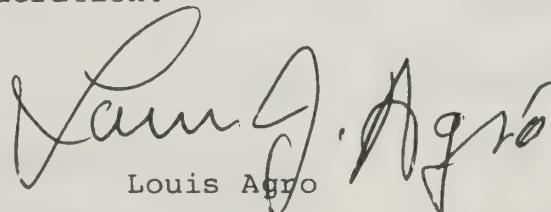
CITY CLERKS

Would you please consider approving the demolition of 105 Park St. North. I have bought the property for future development. When the recession eases and the economy improves, I will develop it at that time. At this time I have no plans for it.

The building is unoccupied and in disrepair. I intend to keep it empty and this could pose a problem to vandalism and possible fire. My intent is to demolish the building and fence the property.

I will apply for the zoning change and development plan when I decide what to do with it.

Thank you for your consideration.


Louis Agro

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 17, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
105 PARK STREET NORTH - Tag Number 90111
(93.1.1.A)

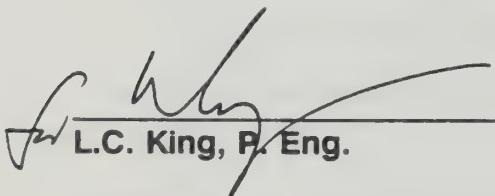
RECEIVED

AUG 17 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 105 PARK STREET NORTH.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "L-C"

PRESENT USE: Two Family Dwelling

PROPOSED USE: Parking Lot (see comments)

BRIEF DESCRIPTION: 2½ storey solid brick dwelling

The owner wishes to create a larger parking area for the adjoining business. As the site is in a "L-C" zoning district, a zoning change must be approved by the Planning Department before development can proceed and also a Site Plan Agreement is required under By-Law 90-285. No LACAC interest. Lot size 33' x 120'.

The owner of the property as per the demolition permit is:

Louis Agro
525 Wilson Street
Hamilton, Ontario



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1993 August 23

RECEIVED

AUG 24 1993

Mrs. T. Agnello, Secretary,
Planning and Development Committee

CITY CLERKS

Dear Tina:

I would appreciate it if you could place on the agenda of the next Planning and Development Committee meeting an item regarding our By-Law No. 77-224, stating that pumps and filters for swimming pools must be five metres from the rear and front property line and 2.4 metres from the side property line.

This By-Law was recently changed and I understand clearly the reasoning as to the pumps because they are noisy. However, the filters make no noise whatsoever and are usually large and what this type of By-Law is doing is making it impossible for people with small backyards to install a pool.

I believe that the By-law should be revised in order to keep the distance that it is now stated for the pumps but to reduce significantly the distance for the filters.

Please notify me when this will be dealt with.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. Mr. L. Harvey, Building Department
Mr. V. Abraham, Planning Department
Alderman D. Drury
Mrs. Uzarowski, 56 Ellen

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 16, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Zoning By-law #6593 - Section 18.(4)(v) -
Swimming Pool Pumps, Heaters, and Filtering
Equipment
(93.5.4, 93.2.4.2.1.A)

RECOMMENDATION:

That the Planning and Building Departments be directed to prepare a report in consultation with industry representatives for consideration of an amendment to the zoning by-law respecting swimming pool pumps, heaters, and filtering equipment.



L.C. King, P.Eng.

LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In 1992, Zoning By-law #6593 was amended to regulate swimming pool pumps, heaters, and filtering equipment in a similar manner as air conditioning equipment. The by-law in its present form regulates as follows:

18.(4)(v) Notwithstanding any other provision of this By-law, a swimming pool pump, swimming pool heater, filtering equipment, central air conditioning unit, window air conditioning unit or heat pump in a residential district shall be distant not less than,

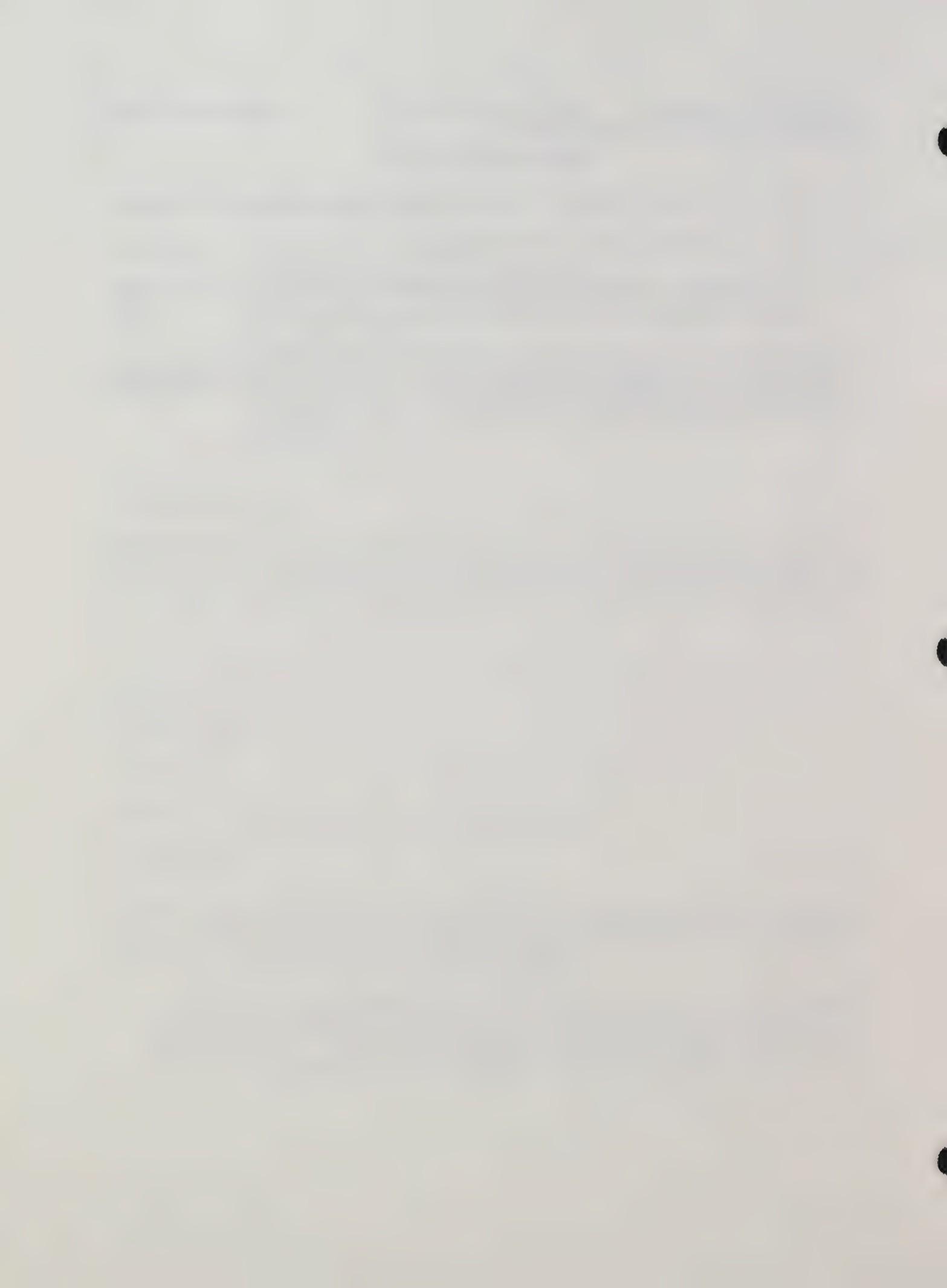
September 16, 1993

(a) 5.0 metres measured from the front lot line or the rear lot line; and

(b) 2.4 metres from the side lot line,

of the property on which the swimming pool pump, swimming pool heater, filtering equipment, air conditioner or heat pump is situate.

The Department has received requests from both elected officials and industry representatives to examine the suitability of the regulation as in some cases setback requirements are difficult to achieve.



8.

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 SEPTEMBER 22

UMBAN M

CONSENT AGENDA

SEP

1993

A. ADOPTION OF THE MINUTES

GOVERNMENT DOCUMENTS

Minutes of the Planning and Development Committee meeting held 1993 August 25

B. DIRECTOR OF PUBLIC WORKS

Downtown Hamilton B.I.A. - Revised Board of Management

C. BUILDING COMMISSIONER

(a) Emergency Loan Programme

i. 129 Auburn Avenue

ii. 76 Knyvet Avenue

(b) Demolition of 283 MacNab Street North

(c) Commercial Loan Programme - 1045 King Street West

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

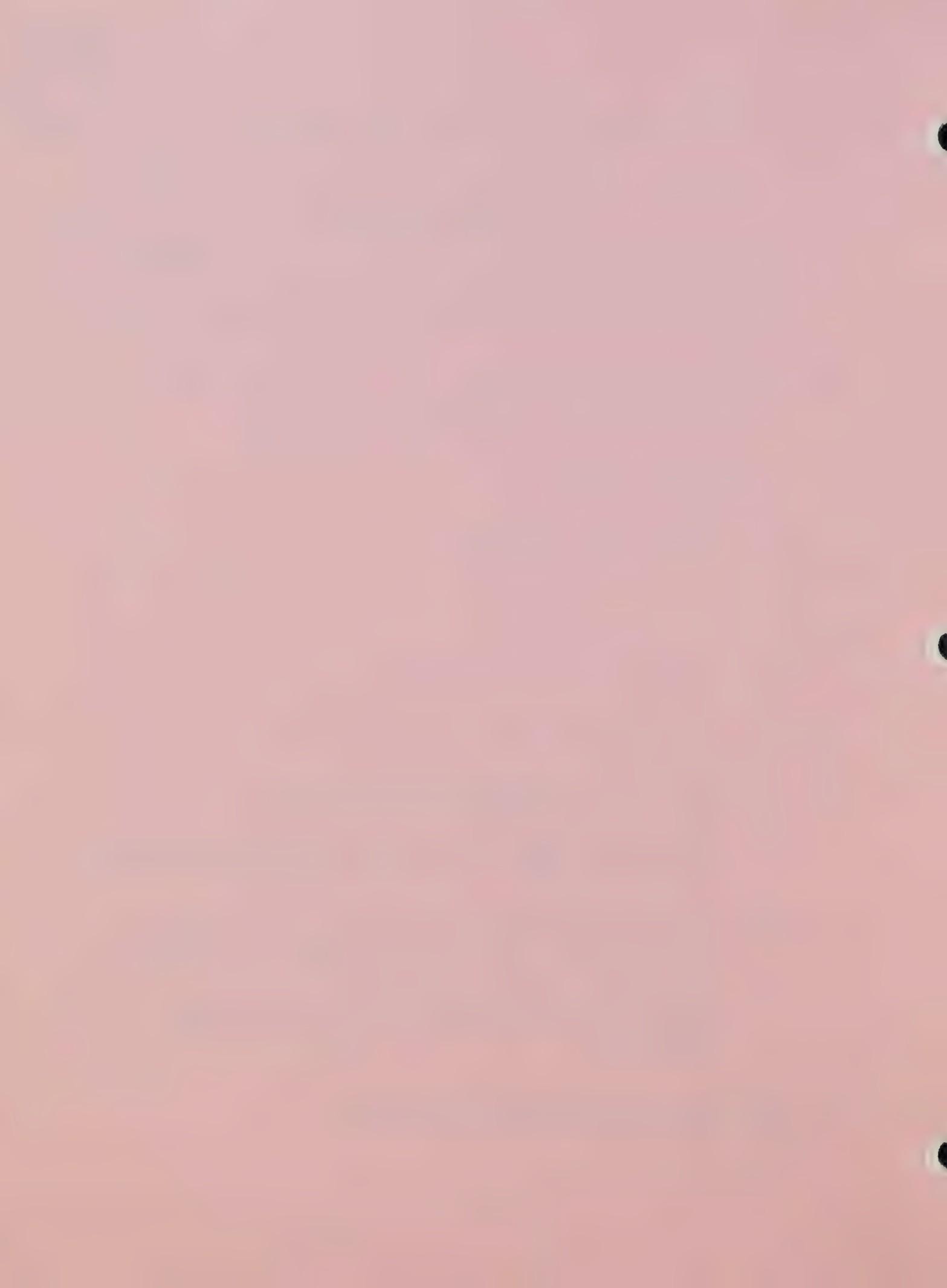
(a) Site Plan Control Application DA-93-23 for construction of columbarium at Garden Niche Complex of White Chapel Memorial Gardens Cemetery at 1895 Main Street West

(b) Authorization for a public meeting for requested land use changes and deletion of a portion of the proposed road pattern - Crerar Neighbourhood

(c) Authorization for a public meeting regarding requested deletion of the proposed walkway between Lots 61-62 Harbottle Court - Gourley Neighbourhood

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items



A.

Wednesday, 1993 August 25
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling
Alderman Wm. McCulloch

Regrets:

Mayor Robert M. Morrow

Also Present:

Alderman T. Jackson
Alderman G. Copps
Joe Pavelka, C.A.O.
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
John Robinson, Building Department
H. Milsome, Community Renewal, Culture & Recreation Dept.
Eugene Chajka, Roads Department
Peter Lampman, Building Department
Rolland Karl, Traffic Department
Lorne Farr, Law Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 93-20, Mr. & Mrs. Trikas, owner, for a change in zoning from "C" District to "G-4" District, for lands located at Nos. 952-954 Concession Street; Raleigh Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 August 9.

Two Submissions were distributed to the members at the meeting from:

- (a) James Huishelwood, 1 East 39th Street, Hamilton
- (b) Peter K. O'Hagan, 968 Concession Street, Hamilton

A further submission was submitted by Alderman Jackson from Jim Harvie, 970 Concession Street, Hamilton.

The Applicant, Mr. Trikas, was present.

Paul Mallard advised that the applicant proposes to change the Zoning from "C" modified to "G-4" and also adding 3 uses being Judo facilities, business office and restaurant. Staff is recommending approval of an amended application with no restaurant. Should a restaurant be approved by Committee, it should be limited to 25 seat capacity. Of notices circulated 10 replied in favour and 18 were opposed.

Mr. Trikas explained that the restaurant seating capacity will be limited and that it will service people visiting the park. He also stated that he is willing to delete the use of video stores if the Committee wishes.

In response to a question from the Chairperson, Mr. Trikas advised that the Blind store is not a factory operation.

Alderman Jackson advised that the restaurant is not a new use. He suggests a restaurant with a 925 seat capacity.

Mr. Mallard confirmed that the restaurant use was made clear in the notification for public meeting.

Alderman Merling was concerned with traffic generated at a busy intersection. He suggested tabling for more information.

Subsequently the Committee resolved to table the matter to the next meeting of Planning and Development in order to allow staff to prepare a traffic impact study.

2. **Zoning Application 93-14, 800064 Ontario Inc. (A. DiSilvestro), owner, for changes in zoning for lands located in the area west of Garth Street and south of Claudette Gate; Falkirk East Neighbourhood**

Tony DiSilvestro was present in support of his application.

Paul Mallard advised that the applicants proposal creates overintensification of townhouses in one area. This application is not in keeping with the recently passed city initiative regarding townhouses. The Planning Department is ready to support an amended application with fewer townhouses. Of 245 notices mailed, 6 residents replied in favour and 14 were opposed.

Mr. DiSilvestro advised that he is prepared to withdraw the portion of rezoning for the additional block of townhouses.

The Committee resolved to approve an amended application and recommended to Council at follows:

That approval be given to amended Zoning Application ZAC-93-14, 800064 Ontario Inc. (A. DiSilvestro, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, to permit future small lot single-family detached dwellings for property located in the area west of Garth Street and south of Claudette Gate, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-27D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 93-18, 304 Victoria Avenue North Holding Ltd. (Dr. N. Gagic, President), owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District, for property located at No. 304 Victoria Avenue North; Landsdale Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 August 3.

There being no one present in favour or opposed and no applicant or agent, the item was tabled.

4. **Request for Exemption to City Initiative 93-A By-law**

Mark A. Scholes - North side of Rymal Road East between Upper Wentworth and Upper Sherman Streets

Mr. Scholes and Mr. Weicz were present to request an exemption to the By-law.

Paul Mallard advised that the original plan included 4 blocks for townhouses. Presently 5 blocks are zoned for townhouses, 3 blocks are zoned low density apartments and 3 blocks are zoned medium density apartments. The applicant has already received site plan approval for townhouses on part of the RT-20 lands. The effect of the application would be that only 2 blocks of apartments would remain.

Mr. Scholes requested that same consideration as Mr. Parente since he was of the understanding that his apartment lands could be developed for townhouses.

Mr. Weicz added that the townhouse developments will be of high quality.

Christine Lewis, Student at Law of Foreman and Rosenblatt was present on behalf of Herald Rochwerg who was also present.

Ms. Lewis explained that Mr. Rochwerg owns property on Windsor Street which is best suited for townhouse development in an area where residential units are in demand.

Upon the suggestion of Alderman McCulloch the Committee advised Ms. Lewis to bring back her request at another Planning and Development Committee meeting at which time the Committee may expedite the request.

Alderman Merling and Eisenberger concurred that exceptions cannot be made to the by-law for each and every case.

In response to a question from the Committee, Paul Mallard explained that Mr. Parente's original intention was to apply to allow his land to be used for townhouses and/or apartments. This was not the case for Mr. Scholes.

Following discussion the Committee resolved to take no action on the requests.

5. **Referral from Council: Report from the Director of Public Works**

Commercial Improvement Programme - Approval of B.I.A. Requests for 1993 and Deferral of Remaining Funds

Mary Pocius, Chairpersons of the International BIA and the Council of BIA's was present. She stated that the lines of communication between staff and the BIA's. The BIA's are satisfied with the progress which has been made.

As recommended by the Director of Public Works in a report dated 1993 August 18 the Committee recommended to Council as follows:

- (a) That the attached Appendix "B" outlining B.I.A. priority projects for implementation under the Commercial Improvement Program be approved at an estimated cost of \$113,600.
- (b) That the remaining funds totalling \$344,400. be deferred pending the outcome of the Capital Budget deliberations resulting from the anticipated reduction in Provincial transfer payments.

6. **CN STATION CITIZENS ADVISORY COMMITTEE**

Statement of Interest

Reg Wheeler Chairperson, and Nina Chapple, staff resource person, were present.

Mr. Wheeler gave a brief presentation on the Committee's work.

Alderman McCulloch commended the Advisory Committee in taking steps in the right direction.

As recommended by the CN Station Citizen Advisory Committee in a report dated 1993 August 17, the Committee recommended to Council as follows:

That the Statement of Interest, attached hereto as Appendix "C", for the CN Station Citizens Advisory Committee be approved.

7. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Parking Lots in Central Area - Authorization to Hold Public Meeting

As recommended by the Commissioner of Planning and Development Committee approved the following recommendation:

That the Planning and Development Department be directed to hold a public meeting of the Planning and Development Committee to present the following options for regulating parking lots in the Central Area:

- (a) undertaking a City Initiative to delete "Public Parking Lots" as a permitted use from all zoning district except the "G-3" (Public Parking Lots) Districts;
- (b) reviewing legislative change for extending demolition control to the entire Central Area, as defined in Official Plan Amendment No. 66, for all types of buildings.

8. BUILDING COMMISSIONER**Demolition Permit - 105 Park Street North**

The Committee was in receipt of a report from the Building Commissioner dated 1993 August 17.

After brief discussion the Committee resolved to table the application pending submission of application by the owner for a rezoning and site plan on the property.

9. OTHER BUSINESS

- (a) **ADDED ITEM:** Director of Local Planning and City Solicitor - Site Plan Control DA-93-04 for a nursing home facility to replace the existing facility at 176 Victoria Avenue North.

As recommended in a report dated 1993 August 24 the Committee recommended to Council as follows:

- (a) That the City enter into a Site Plan Agreement with the owner of Mirdem Nursing Home Ltd. for a property at 176 Victoria Street.
- (b) That the following additional provisions be inserted into the City's standard Site Plan Agreement to ensure that the current building on the property is demolished once the proposed new building has been completed.
 - i. The owner agrees to demolish the existing building, as described by the Committee of Adjustment in its July 7, 1993 decision, when the new three storey nursing home building referred to in the same decision has been completed;
 - ii. \$35,000. in security is to be provided to the City by the owner as security in the form of cash or an irrevocable Letter of Credit;
 - iii. A Building Permit will not be issued until the security has been provided to the City;
 - iv. The security will be placed in a non-interest bearing account and held until the existing building as described by the Committee of Adjustment in its July 7, 1993 Decision has been demolished;
 - v. The owner is to obtain postponements in favour of the City's Site Plan Agreement from those with previous registered financial interests in the property;
 - vi. The owner is to agree that if the existing building as described by the Committee of Adjustment in its July 7, 1993 Decision is not vacated and demolished within six (6) months of the completion date of the proposed new three storey nursing home, that the City is authorized to retain and use the security to obtain compliance with the agreement and where the security is not sufficient to effect compliance, to add any shortfall to the property's tax assessment roll to be recovered as taxes;

(d) Commercial Loan Program:

i. 1012 King Street West dated 1993 August 17:

That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for John Mouskos. The interest will be 2 7/8 percent amortized over 10 years.

ii. 294 Ottawa Street North dated 1993 July 21:

That a Commercial Loan in the Amount of thirteen thousand, seven hundred and twelve (\$13,712.) be approved for Baba Tooma. The interest rate will be 2 7/8 percent amortized over 10 years.

iii. 321-341 Ottawa Street North dated 1993 August 17:

That a Commercial Loan in the amount of six thousand and five hundred dollars (\$6,500.) be approved for Joseph Patrick Finochio. The interest rate will be 2 7/8 percent amortized over 10 years.

(e) Heritage Programme

i. 124 MacNab Street North dated 1993 August 17:

(a) That the Building Department, Loans Division, was directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of four thousand and thirty-eight dollars (\$4,038.) for Jeffrey Steadman, 124 MacNab Street South, Hamilton.

(b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jeffrey Steadman, owner of 124 MacNab Street North, in the amount of four thousand, one hundred and thirty-seven dollars (\$4,137.) at 2 7/8 percent interest amortized over a ten year period.

ii. 126 MacNab Street North dated 1993 August 16:

(a) That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of four thousand, eight hundred and thirty seven-dollars (\$4,837.) for Jeffrey Steadman, 126 MacNab Street South, Hamilton.

(b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jeffrey Steadman, owner of 126 MacNab Street North, in the amount of four thousand, nine hundred and thirty-seven dollars (\$4,937.) at 2 7/8 per cent interest amortized over a ten year period.

iii. 260 MacNab Street North dated 1993 August 4:

(a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of three thousand dollars (\$3,000.) for Jane and Paul Rigby, 260 MacNab Street North, Hamilton.

- (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jane and Paul Rigby, owners of 260 MacNab Street North, in the amount of four thousand and three hundred dollars (\$4,300.) at 2 7/8 percent interest amortized over a ten year period.

v. **185 Delaware Avenue dated 1993 August 17:**

- (a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of two thousand, eight hundred and fifty-seven dollars (\$2,857.) for Hazell Ross-Iampietro and Gerald Iampietro, 185 Delaware Avenue.
- (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Hazell Ross-Iampietro and Gerald Iampietro, owner of 185 Delaware Avenue, in the amount of three thousand and fifty-seven dollars (\$3,057.) at 2 7/8 percent interest amortized over a ten year period.

vi. **235 Bowman Street dated 1993 August 10:**

That a Designated Grant in the amount of three thousand dollars (\$3,000.) be provided to the Hamilton Hebrew Academy, 235 Bowman Street, Hamilton.

vii. **172-176 Locke Street South dated 1993 August 10:**

- (a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of two thousand, three hundred and thirteen (\$2,313.) for Heinz Ollesch, owner of 172-176 Locke Street South, Hamilton.
- (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Heinz Ollesch, 172-176 Locke Street South, in the amount of two thousand, five hundred and fourteen dollars (\$2,514.) at 2 7/8 percent interest amortized over a ten year period.

viii. **112 Aberdeen Avenue dated 1993 August 10:**

- (a) That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of two thousand, nine hundred and twenty-nine dollars (\$2,929.) for Keltie Lynn Law, owner of 112 Aberdeen Avenue.
- (b) That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Keltie Lynn Law, 112 Aberdeen Avenue, in the amount of three thousand, one hundred and twenty-nine dollars (\$3,129.) at 2 7/8 percent interest amortized over a ten year period.

ix. **74 George Street dated 1993 August 3:**

That a Designated Grant in the amount of six hundred and forty-nine dollars (\$649.) be provided to Jane and Paul Rigby, 74 George Street, Hamilton.

(f) **Various Demolition permits:**

That the Building Commissioner be authorized to issue demolition permits for the following:

- (a) 1121 Upper James Street
- (b) 1128 Upper James Street
- (c) 1134 Upper James Street
- (d) 1142 Upper James Street
- (e) 1150 Upper James Street
- (f) 1160 Upper James Street
- (g) 1075-1079 Upper James & 7 Limeridge Road East
- (h) 50 Limeridge Road East
- (i) 571 Burlington Street East
- (j) 605 Mohawk Road West
- (k) 28 Dodson Street

D. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) **Application to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1" Subdivision dated 1993 August 4:**

- (a) That the request of Anthony G. DiCenzo, Solicitor for DiCenzo Construction Company Limited, to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1", Plan of Subdivision, 62M-733, be approved;
- (b) That the appropriate by-law to remove part-lot control from Lots 1-22, inclusive, "Sandrina Gardens, Phase 1" Plan of Subdivision, be enacted by Council;
- (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs), be requested to grant approval to the by-law and endorse the same on the by-law; and
- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

- (b) Ministry of the Environment Guidelines on Separation Distance between Industrial Facilities and Sensitive Land Uses dated 1993 August 13:
 - (a) That the resolution from the Town of Lindsay, attached hereto and marked as Appendix "D", be endorsed; and
 - (b) That the Minister of the Environment and Energy and the Town of Lindsay be advised of Council's endorsement.
- (c) Comments on the Report Restructuring Resource Management in Ontario - A Blueprint for Success dated 1993 August 6:
 - (a) That Council endorse the efforts of the Association of Conservation Authorities of Ontario to develop a more simplified resource management system;
 - (b) That the Provincial Government undertake a comprehensive review of resource management issues together with all affected municipalities and the Association of Conservation Authorities of Ontario;
 - (c) That a review of resource management issues in Ontario also include:
 - i. an examination of the funding requirements of restructured Conservation Authorities; and
 - ii. direct consultation and negotiation with affected municipalities on possible changes to land use planning measures and approvals related to the mandate of restructured Conservation Authorities.
 - (d) That the Hamilton Region Conservation Authority, all local Members of Provincial Parliament, and the Ministers of Natural Resources, Environment and Energy, Agriculture and Food, and Municipal Affairs be advised of this resolution.

E. SECRETARY, PLANNING AND DEVELOPMENT

Information Items

As recommended in a report dated 1993 August 18, the Committee received the following reports and correspondence for information purposes:

- (a) Transportation Services Committee Report 8-93 - Proposed Median Cut - No. 1010 to 1024 Upper Wentworth Street, City of Hamilton dated 1993 July 21
- (b) Economic Development and Planning Committee Report 12-93, Item 4 - Sewell Commission - Final Report (PLA 93-054) dated 1993 July 21
- (c) Township of Michipicoten - Resolution approved by the Members of Municipal Council Re: Residential Rehabilitation Assistance Programme dated 1993 July 21
- (d) City Solicitor and Building Commissioner - 74 Charlton Avenue East dated 1993 July 19

- (e) City Solicitor - Decision (OMB and Environmental Assessment) - 100 Beddoe Drive (the LAPP Property) dated 1993 August 16
- (f) Commissioner of Planning and Development - Approved Site Plan Control Applications dated 1993 August 18
- (g) Environment Canada - Honourable Pierre H. Vincent - Letter of Acknowledgement re: Proposed Victoria Avenue Layover Yard dated 1993 August 11

11. ADJOURNMENT.

There being no further business the Committee Meeting adjourned.

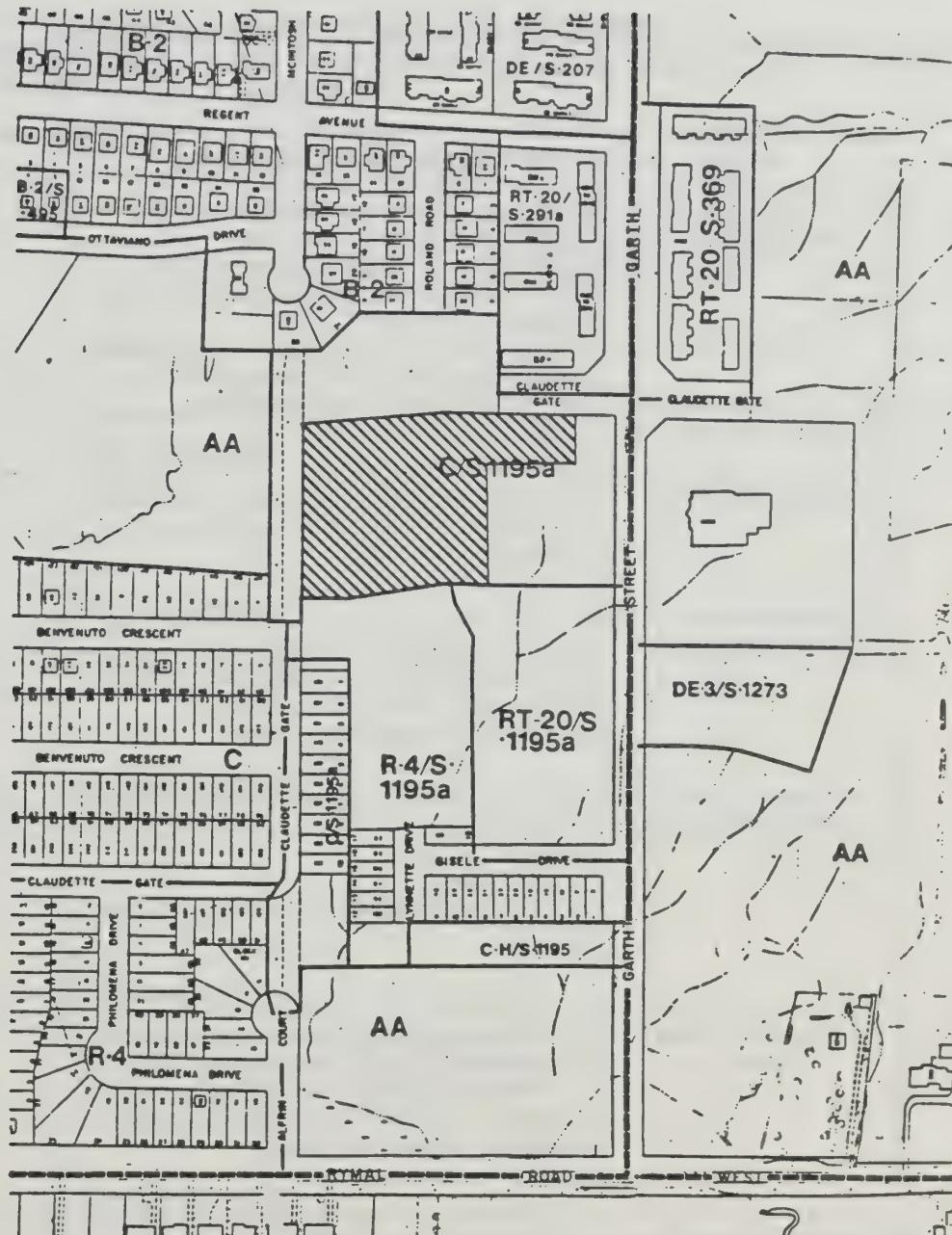
TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary

1993 August 25

Appendix "A" as referred
to in Section 2 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 August 25



Legend

Proposed Changes in Zoning From:

- *C* (Urban Protected Residential, etc.) District to
- *R-4* (Small Lot Single-Family Detached) District.

ZAC 93-14

Appendix "B" as referred
to in Section 5 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 August 25

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

1993

B.I.A.	Proposed Improvements	Estimated Cost
International Village B.I.A.	1) Bicycle Racks 2) Provision of and installation of ten (10) historical plaques on Heritage Buildings within International Village. 3) Increased luminaire lighting in north alleyway between Mary Street and Wellington Street to improve safety and reduce vandalism.	\$ 3,000. \$ 6,000. \$ 3,000.
	ESTIMATED COST	\$12,000.
Ottawa Street B.I.A.	1) Installation of concrete crosswalk at Campbell and Ottawa Streets during reconstruction of Ottawa Street in 1994.	\$25,000.
	ESTIMATED COST	\$25,000.
Barton Street B.I.A.	1) Due to this B.I.A.'s depleted condition along with its 50% vacancy rate, they have asked that an amount be set aside for revitalization improvements along Barton Street.	\$52,000.
	ESTIMATED COST	\$52,000.
Downtown Promenade B.I.A.	1) Improvements to Alleyway lighting within the boundaries of the B.I.A. 2) Wall Mural. 3) Supply and installation of twenty (20) bench dividers.	\$ 2,000. \$ 5,000. \$ 4,500.
	ESTIMATED COST	\$11,500.
Concession Street B.I.A.	1) Alleyway lighting on south side of Concession Street between East 21st and East 24th Streets. 2) Installation of thirty-seven (37) pole mounted photocells along wood hydro poles which will significantly reduce Hydro costs.	\$ 4,000. \$ 3,700.
	ESTIMATED COST	\$ 7,700.
Westdale Village B.I.A.	1) The purchase and installation of two (2) benches in front of the Library.	\$ 1,400.
	ESTIMATED COST	\$ 1,400.

Main Street West Esplanade B.I.A.	<p>1) The purchase and installation of six (6) litter container lids.</p> <p>2) The B.I.A. has requested greenery on Main Street West but due to restricted sidewalk width the only possible locations could be on the school property that fronts onto Main Street West. This will be pursued with the Public School Board.</p>	\$ 1,000.
		\$ 3,000.
	ESTIMATED COST	\$ 4,000.
	TOTAL ESTIMATED COST	\$113,600.

Appendix "C" as referred to
in Section 6 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 August 25

CN STATION CITIZENS ADVISORY COMMITTEE

STATEMENT OF INTEREST

I. Statement of Interest

a) Geographical Area

The area of interest constitutes primarily the CN Station and its surrounding property: bounded by James St. N., Murray St., Hughson St. N., and the CN tracks, as well as the CN parking lot to the west (situated between James North and MacNab North) and the railway platforms on the lower level. (See attached Map)

b) Heritage Character

The area of interest focuses on the heritage character of the CN Station and surrounding property, which is derived from the following heritage attributes: architectural, historical, landscape and contextual merits.

The heritage significance of the CN Station has been duly recognized by all levels of government:

Federal: Designated under the Heritage Railway Stations Protection Act (sale, alteration, or demolition regulated)
The geographical area is defined as follows: "The station precinct consists of a grassy front plaza, the T-plan station building and suspended concourse, and a large track yard with ancillary buildings at lower level."

Provincial: Evaluated as "Heritage Class: A; Architecturally significant and unique to the province", Study by the Ontario Heritage Foundation and the Ministry of Citizenship and Culture in cooperation with Canadian National Railways and VIA Rail (no regulations apply)

Municipal: Listed as a Landmark Building and on the Inventory of Buildings of Architectural and Historical Interest (no regulations apply). Designation at the municipal level under the Ontario Heritage Act is now under consideration.

II. Statement of Intent

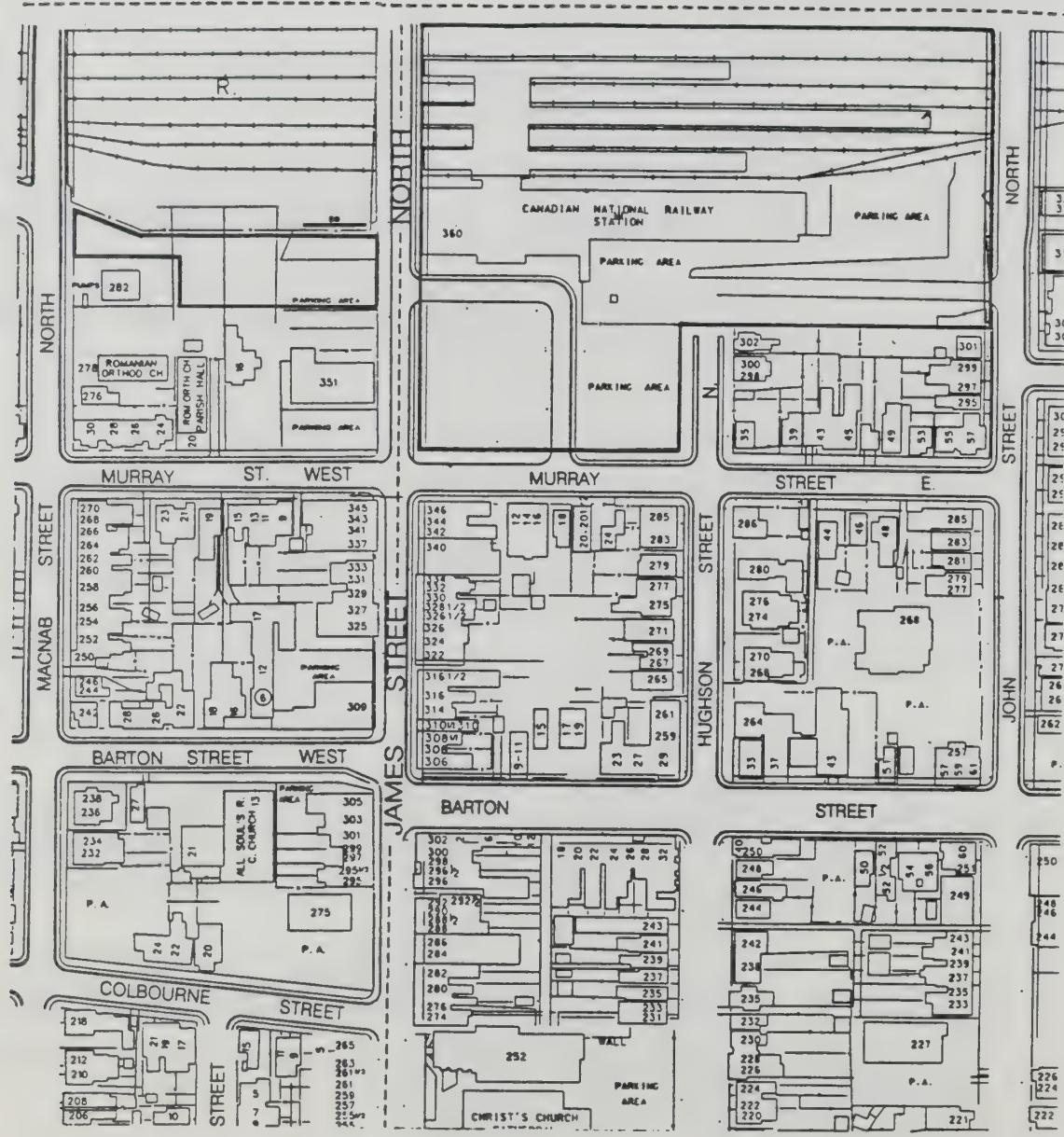
It is the intent of the committee to encourage and facilitate

- (a) the conservation, restoration, and appropriate re-use of the CN Station; and
- (b) the preservation of the open space to the south of the CN Station, to include the area bounded by James St. North, Murray St and Hughson St. North.

III. Guidelines for Implementation

In the process of achieving the "Statement of Intent", the following guidelines should be taken into consideration:

- (a) to identify, encourage and facilitate appropriate uses for the CN Station and lands in cooperation with the CNR;
- (b) to pursue, in particular, those types of uses appropriate to the national and provincial landmark status of the station;
- (c) to ensure that any use of the site will be sensitive to and compatible with the adjacent neighbourhoods;
- (d) to communicate with residents, property owners and advisory committees (such as LACAC, CAPIC, Urban Design, Central/Beasley Neighbourhood Plan Review Team, and Central/Beasley PRIDE HINT), as well as neighbourhood and business associations, who may be interested in the station's future use;
- (e) with respect to the CN site and its surroundings, to encourage appropriate land use designations and zoning modifications in the Beasley Neighbourhood Plan Review;
- (f) to report to the Planning and Development Committee, when warranted.



CN Station Citizens Advisory Committee "Area of Interest"

Appendix "D" as referred
to in Section D of the
Minutes of The Planning
and Development Committee
Meeting held 1993 August 25

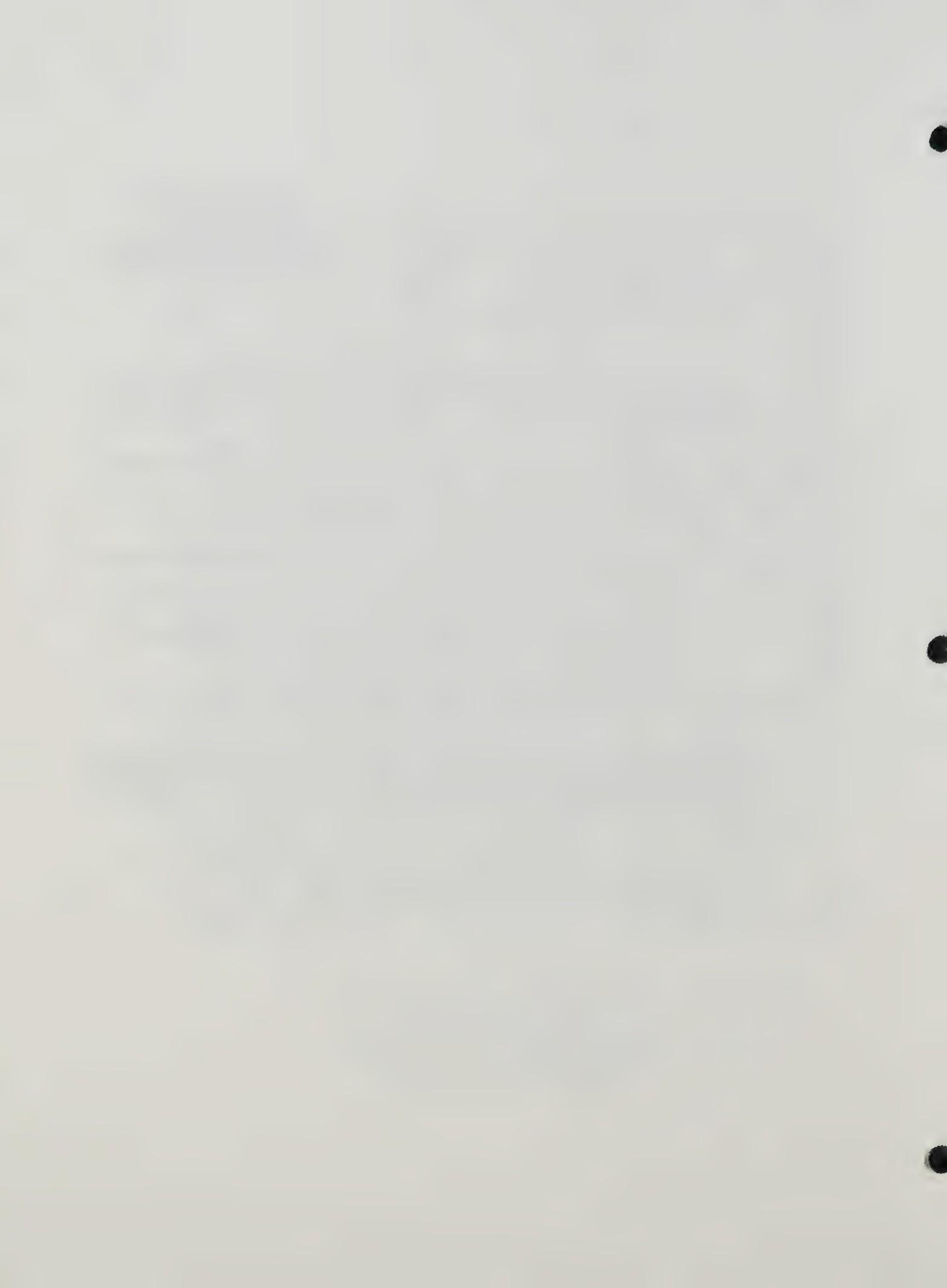
"Whereas the Ministry of the Environment has recently distributed a land use planning interim guideline entitled "Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses"; and

Whereas this guideline is badly flawed and needs to be reconsidered for the following reasons:

- (i) the guideline advocates unreasonable distances between industrial and sensitive land uses;
- (ii) the Ministry has failed to provide adequate justification for these separation distances;
- (iii) the guideline was developed without consultation with municipalities in Ontario;
- (iv) the guideline unreasonably slants the planning process in one direction to the detriment of other, perhaps more important, planning considerations;
- (v) the guideline treats parks a sensitive land use and prevents parks from being used as a buffer between industrial and residential land use.

NOW THEREFORE BE IT RESOLVED THAT the Ministry of the Environment be requested to reconsider its separation distance guideline, to engage in real consultation with stakeholders including the Association of Municipalities of Ontario during the process of reconsidering the guideline and to not implement the guideline until such time as it has been reconsidered."

Resolution adopted by the Town of Lindsay, February 8, 1993



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 August 26

AUG 27 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

RECEIVED

SUBJECT: Downtown Hamilton B.I.A.
Revised Board of Management

AUG 27 1993

.....
CITY CLERKS

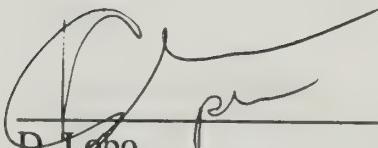
RECOMMENDATION:

- a) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Downtown Promenade B.I.A.:

John Saltis
Angelo Morgante

Trust Leather
The Adventure Attic

- b) That the City Solicitor be authorized and directed to amend By-law No. 93-065 pursuant to (a) above.


D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Downtown Hamilton B.I.A. held its Board of Management meeting on 1993 July 28, at which time the above members were appointed to the Board of Management to fill vacant positions on the Board. Downtown Hamilton B.I.A.'s Constitution allows for a minimum of seven and a maximum of seventeen members on the Board of Management. At the present time there are fourteen members.

MG:mg

c.c. Ms. P. Noe Johnson, City Solicitor, Law Department
Attn: Mr. A. Zuidema, Solicitor

C(a)s.i.

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

DATE: September 2, 1993

SEP 09 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

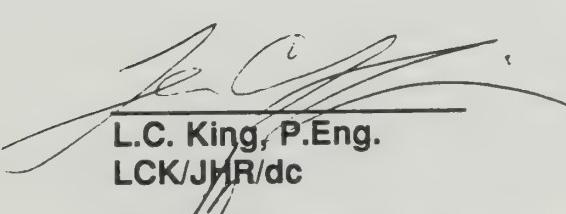
.....
CITY CLERKS

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
(H.E.L.P.)(93.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and forty-eight dollars, (\$1,948) be approved for Agnes McEwen, 129 Auburn Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

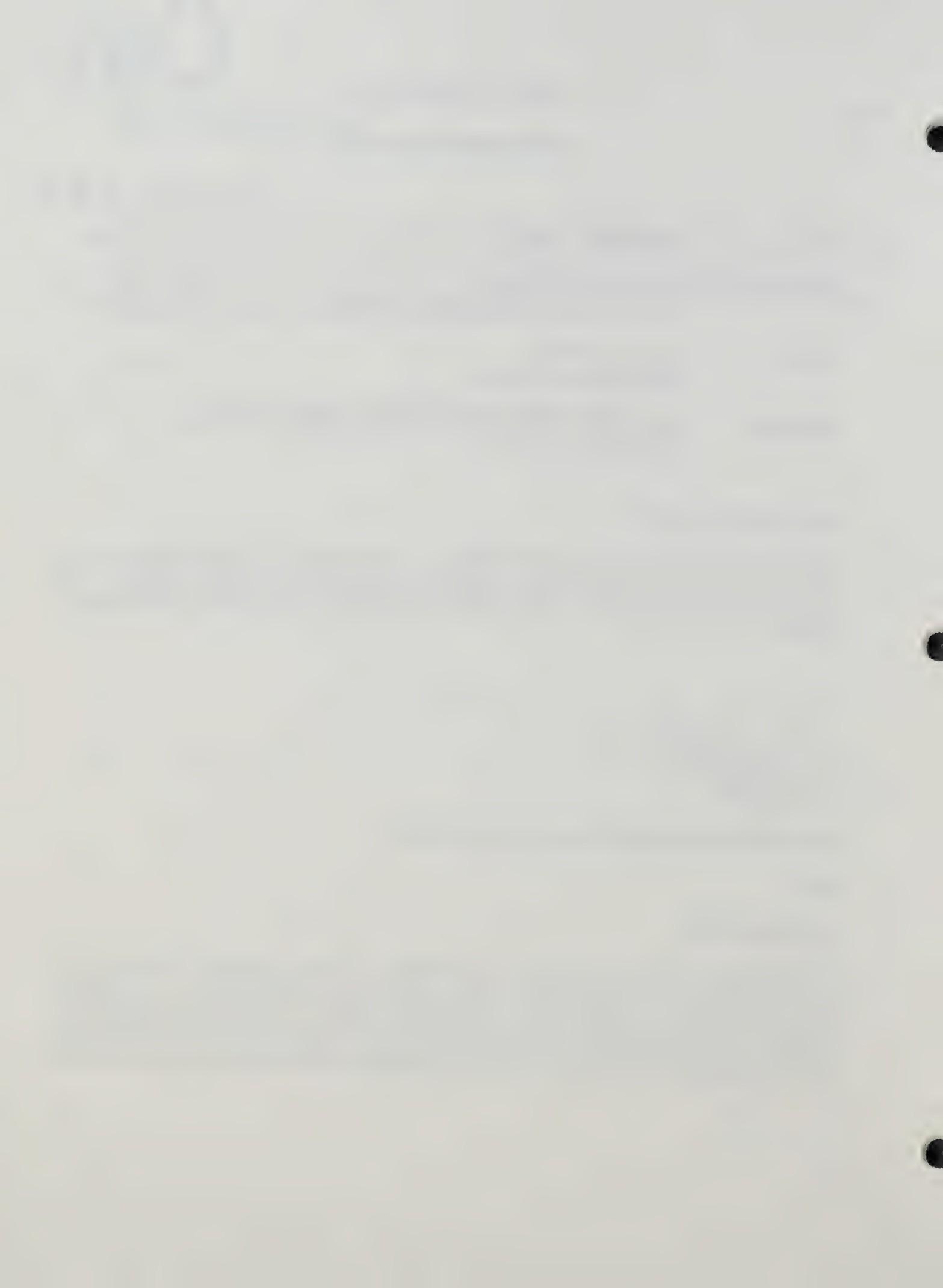

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the



C(a)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 2, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
(H.E.L.P.)(93.2.4.2.1.A)

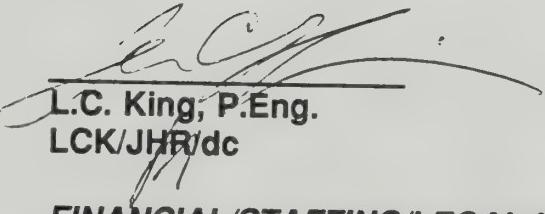
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SEP 09 1993

CITY CLERKS

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand three hundred and fifty (\$1,350.) be approved for Audrey Dryden, 76 Knyvet Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

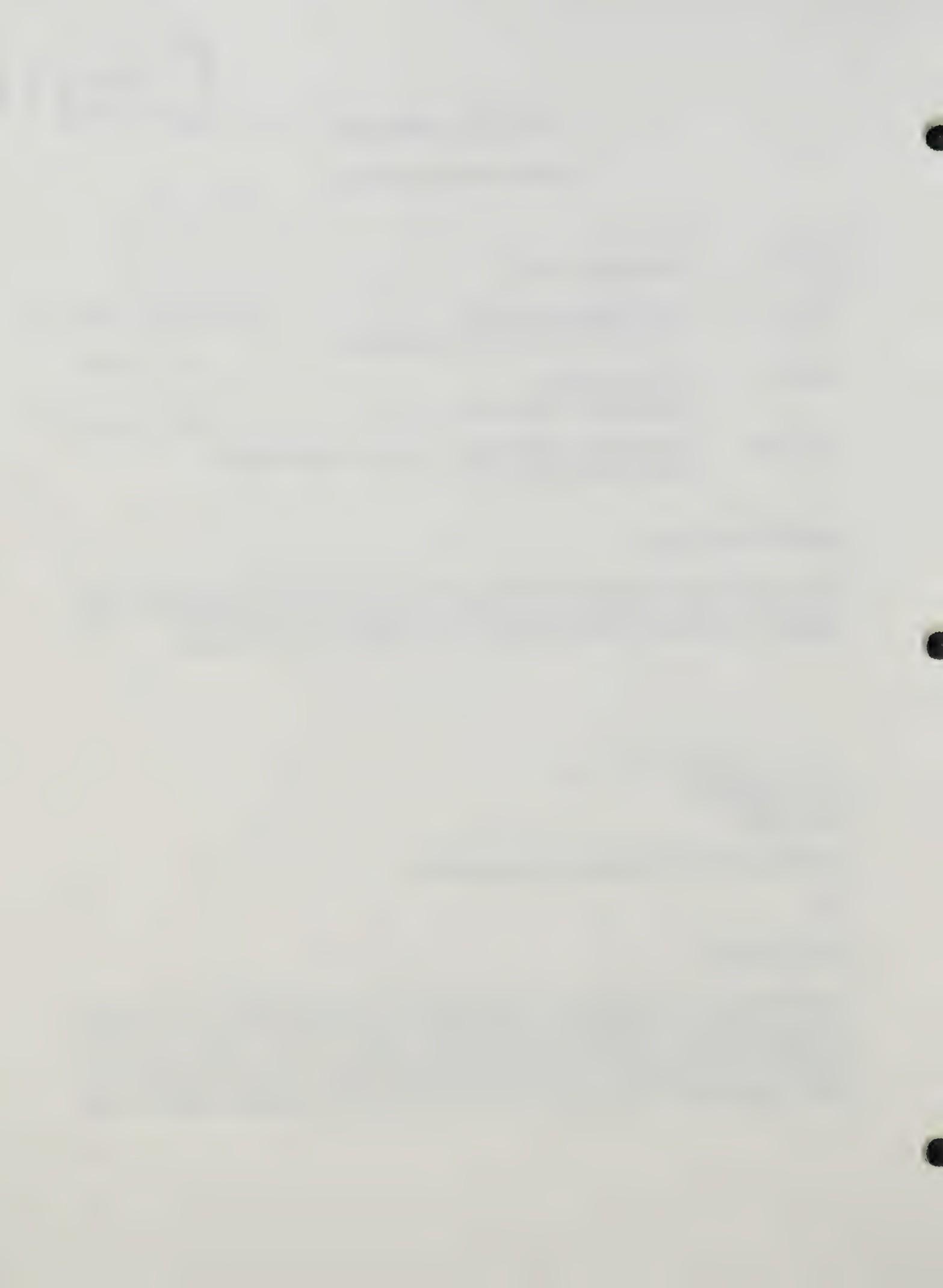

L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the



CITY OF HAMILTON

- RECOMMENDATION -

C. (b)

DATE: September 9, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
283 MACNAB STREET NORTH - Tag Number 90298
(93.1.1.A)

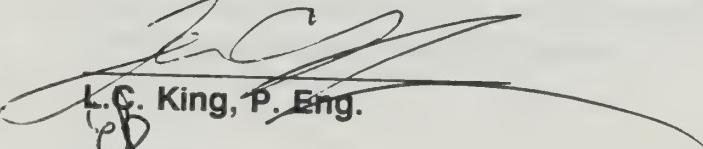
RECEIVED

SEP 14 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 283
MACNAB STREET NORTH.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential

PRESENT USE: Single Family Dwelling

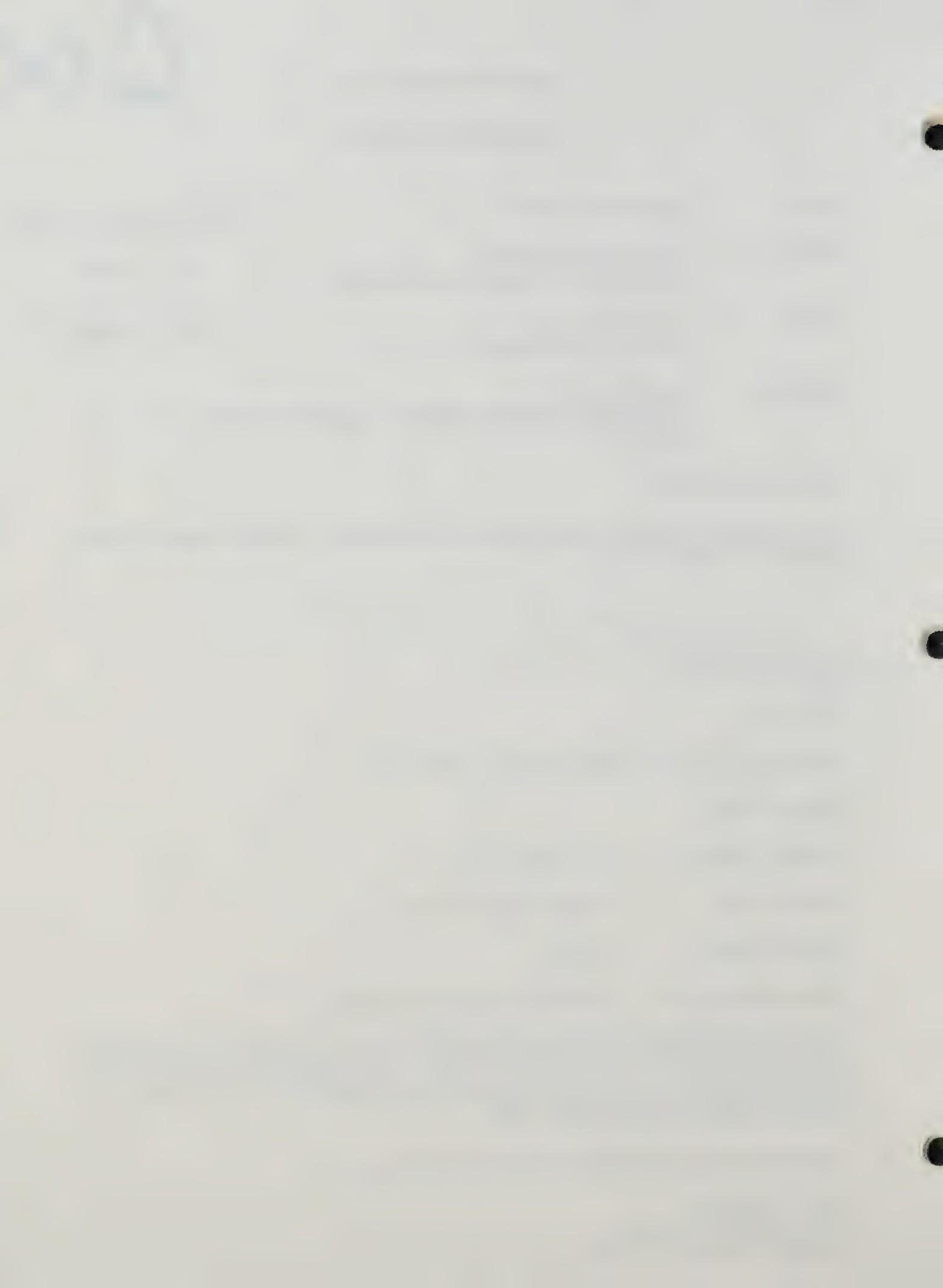
PROPOSED USE: Vacant

BRIEF DESCRIPTION: 1½ storey double brick garage

This was a coach house which was converted many years ago to a residence. The owner indicated that the taxes have become too high and she would like to demolish the coach house and enlarge the rear yard for the main house. No LACAC interest. Lot size 34.2' x 120'.

The owner of the property as per the demolition permit is:

Mrs. J. Consiglio
283 MacNab Street North
Hamilton, Ontario L8L 1K5



C (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 13, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

RECEIVED

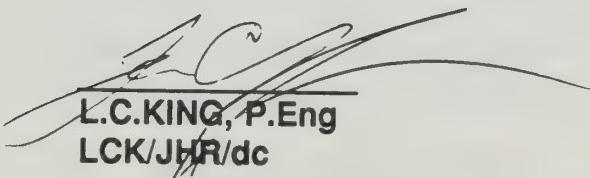
SEP 14 1993

SUBJECT: COMMERCIAL LOAN PROGRAMME
1045 KING STREET WEST (93.2.4.2.1.A)

CITY CLERKS

RECOMMENDATION:

That a Commercial Loan in the amount of fifteen thousand dollars (\$15,000) be approved for Paul Snider and Shelagh Mary Snider. The interest rate will be 2 7/8 per cent amortized over 10 years.


L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 1045 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

September 13, 1993

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Paul Snider and Shelagh Mary Snider for improvements to 1045 King Street West in the amount of \$15,000. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$143.99 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Legal Department'

D(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 September 12
DA-93-23
Ainslie Wood West Neighbourhood

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

RECEIVED

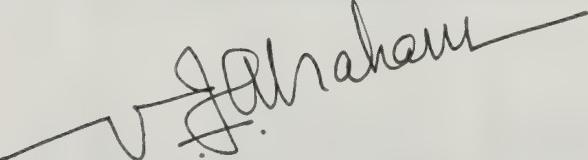
SEP 1 5 1993

CITY CLERKS

SUBJECT: Site Plan Control Application DA-93-23 for construction of columbarium at Garden Niche Complex of White Chapel Memorial Gardens Cemetery at 1895 Main Street West.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-93-23 for construction of columbarium at 1895 Main Street West, and that the owner not be required to sign the undertaking on the approved plans nor provide securities for the project, and that notice of the decision be published in accordance with the requirements of the Cemeteries Act.


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for construction of columbarium at the Garden Niche Complex of White Chapel Memorial Garden Cemetery at 1895 Main Street West. The structure is approximately 18.5 ft. long, 3.25 ft. wide and 10.5 ft. high and has two granite faced walls.

COMMENTS RECEIVED:

- The Hamilton-Wentworth Roads Department has advised that:

The applicant has not submitted any grading information with the plans. However, since the proposed works are totally internal to the site and will not negatively impact on abutting properties we have no objections.

As the subject lands abut Highway #403 which is under the jurisdiction of the Ministry of Transportation of Ontario, comments from them with respect to setbacks and Building Land Use Permits should be considered.

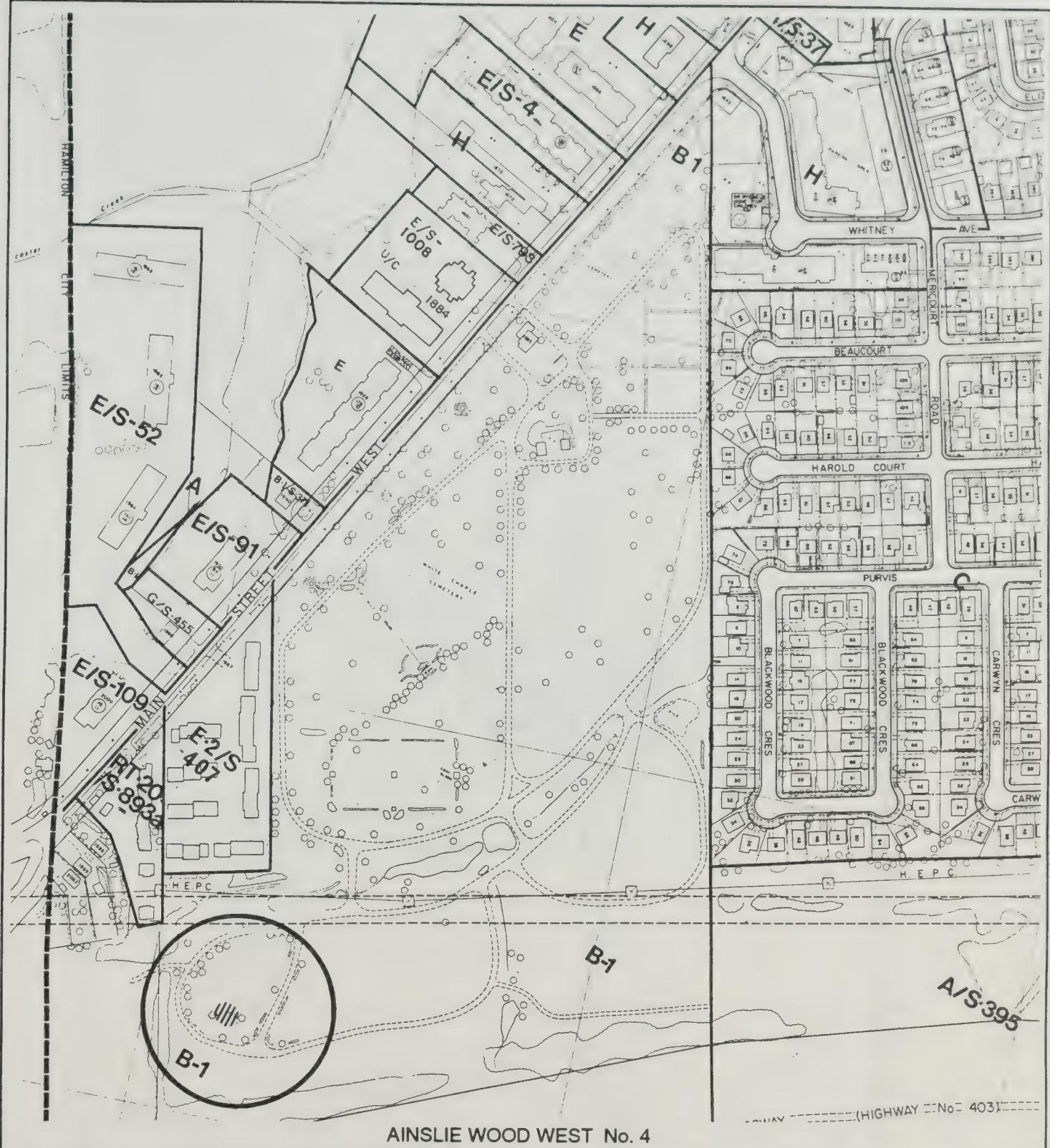
- The Building Department has commented that the location complies with the Zoning By-law.
- The Traffic Department has no comment.

COMMENTS:

The proposed structure has been designed and located at the north-west section of White Chapel Memorial Garden Cemetery, in an area already established with similar features. The new columbarium is located well within the property, more than 200 feet from adjacent property lines and will only affect its immediate surroundings.

The proposed is therefore satisfactory.

In accordance with the Cemeteries Act the new columbarium requires municipal approval and conformance to procedures outlined in the Act. Accordingly, the recommendation must be forwarded to City Council for approval and the decision published in a local newspaper for public notification.



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-93-23

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

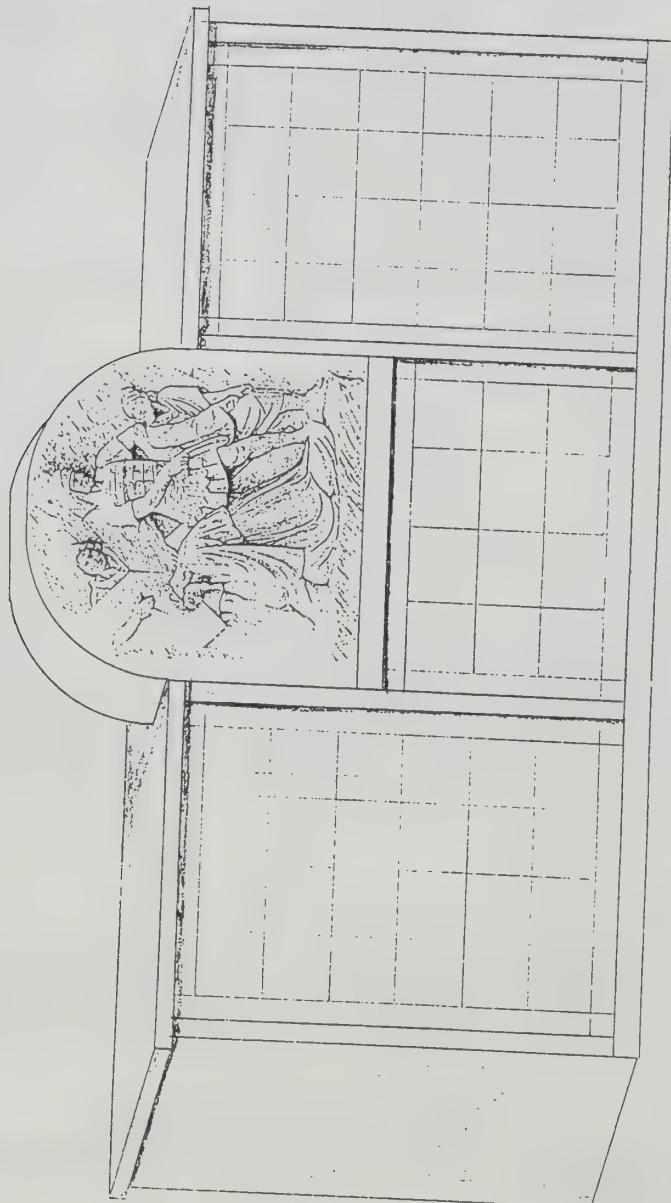
Legend



Site of the Application

North	Scale NOT TO SCALE	Reference File No. DA-93-23
	Date AUGUST 1993	Drawn By Z.K.

PERSPECTIVE

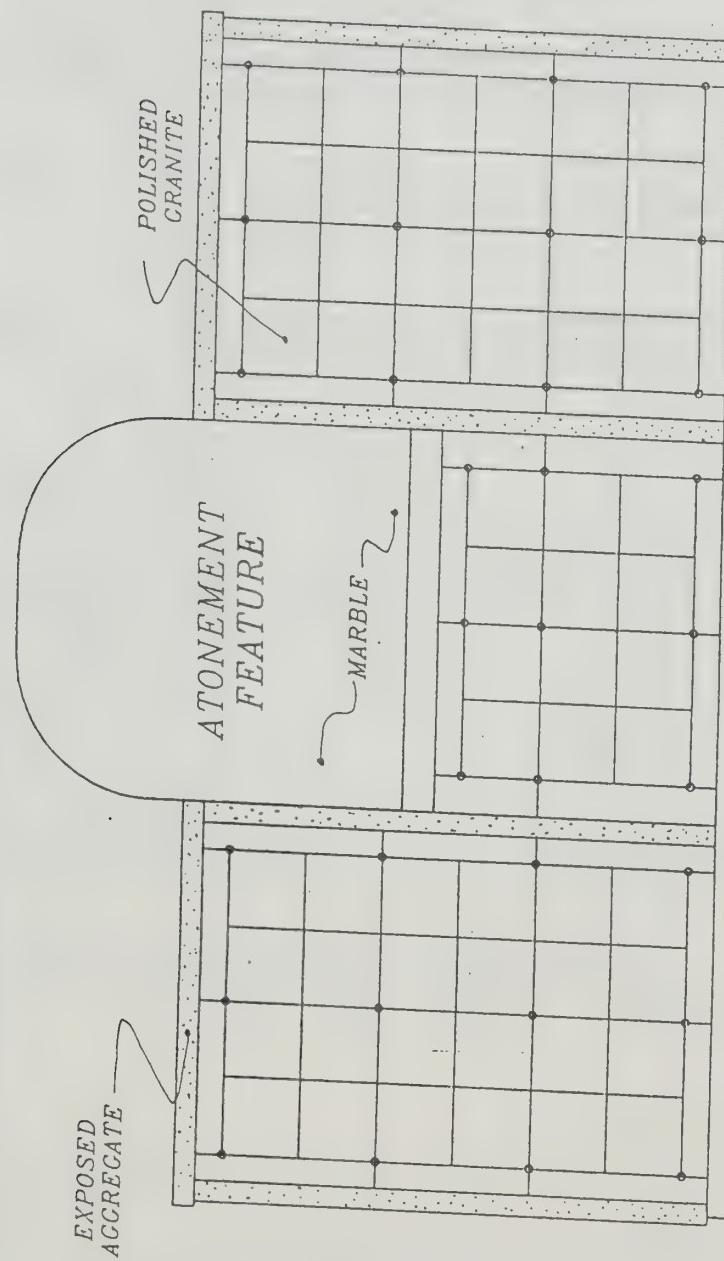


WHITE CHAPEL MEMORIAL GARDENS

HAMILTON, ONTARIO

STRUCTURE No. 83

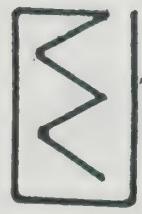
2793



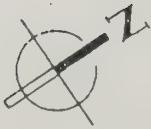
ASSOCIATION
OF
ARCHITECTS
OF
QUEBEC
ROGER LEBLANC
LICENCE
3116

WHITE CHAPEL MEMORIAL GARDENS
HAMILTON, ONTARIO

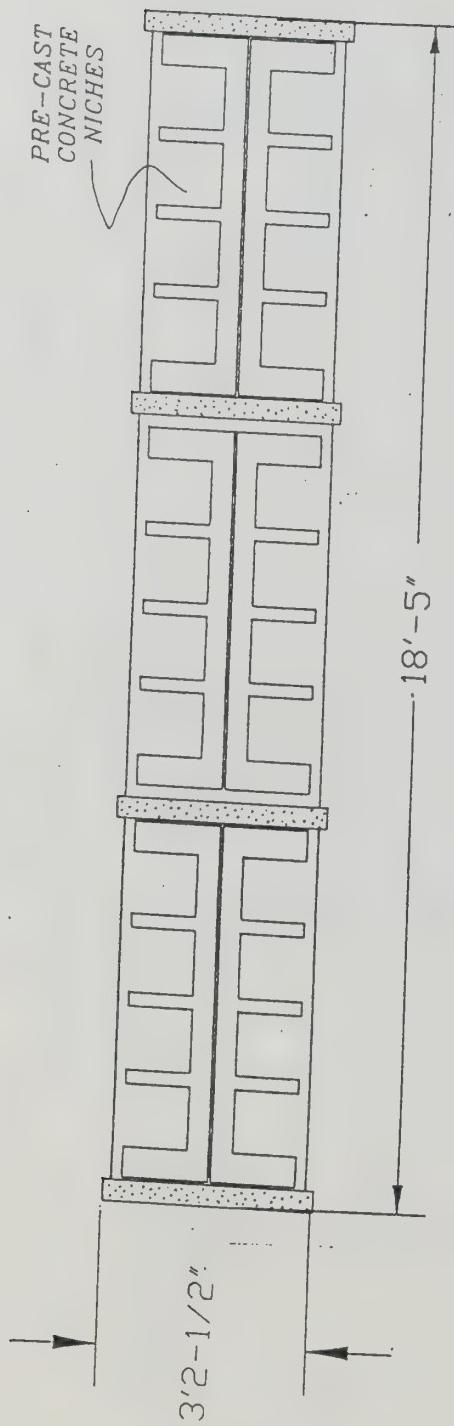
Structure No 83
Elevation 'A'



2793



PRE-CAST
CONCRETE
NICHES



PLAN VIEW

WHITE CHAPEL MEMORIAL GARDENS
HAMILTON, ONTARIO

Structure No 83

PROFESSIONAL ASSOCIATION
OF ARCHITECTS
of
Ontario
ROGER LEBLANC
LICENCE
3116



CITY OF HAMILTON
- RECOMMENDATION -

D(b)

DATE: 1993 September 14
(P5-2-33)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

SEP 1 5 1993

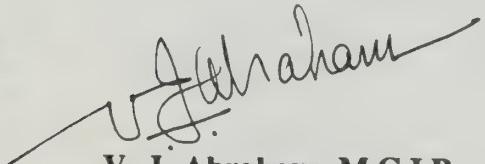
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

.....
CITY CLERKS

SUBJECT: Authorization for a public meeting for requested land use changes and deletion of a portion of the proposed road pattern - Crerar Neighbourhood.

RECOMMENDATION:

That the owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested land use changes and deletion of a portion of the proposed road pattern.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Trustees of Bethel Gospel Tabernacle have assembled additional lands to the north of the church. The Trustees have requested certain amendments to the approved plan as their proposal does not comply with the approved plan. These lands to the north of the church are currently designated for single and double housing, as shown on the attached plan.

On June 27, 1993 the trustees of Bethel Gospel Tabernacle submitted a Zoning Application (ZA-93-25) requesting a zoning change from "AA" (Agricultural) to "E-2" (Multiple Dwellings) (see attached map).

The Zoning Application, as submitted, does not conform with the Crerar Neighbourhood Plan, with regard to the land use designation (single and double housing) and the proposed road pattern.

The development proposal was circulated to the Roads and Environmental Services Departments, and the City Traffic Department for comment. Replies received from the Departments note that the proposal has merit, however, the Hamilton Street Railway stated that a walkway should be incorporated as part of the development. Staff of the Planning and Development Department have met with the Architect and Trustees who have agreed on the matter of providing a walkway as part of the development (see attached map).

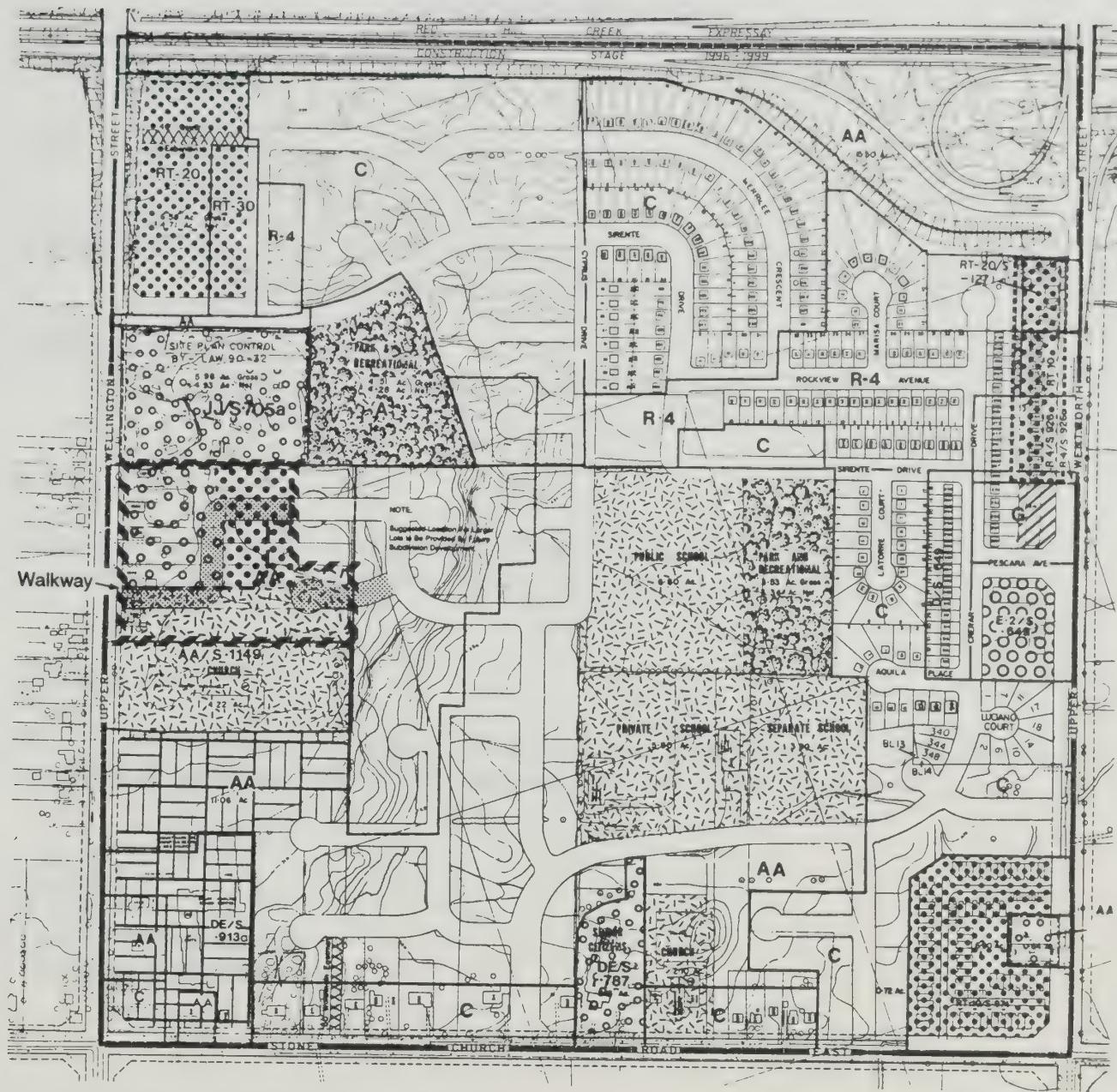
The proposed development may have an impact on the adjacent properties, the development of the adjoining lands, and the Crerar Neighbourhood Plan. Therefore, a public meeting with the property owners and residents would be appropriate.

CONCLUSION:

The development proposal should be subject to a public meeting.

GG/dkp

B:\CRERAR



Bethel Gospel Tabernacle

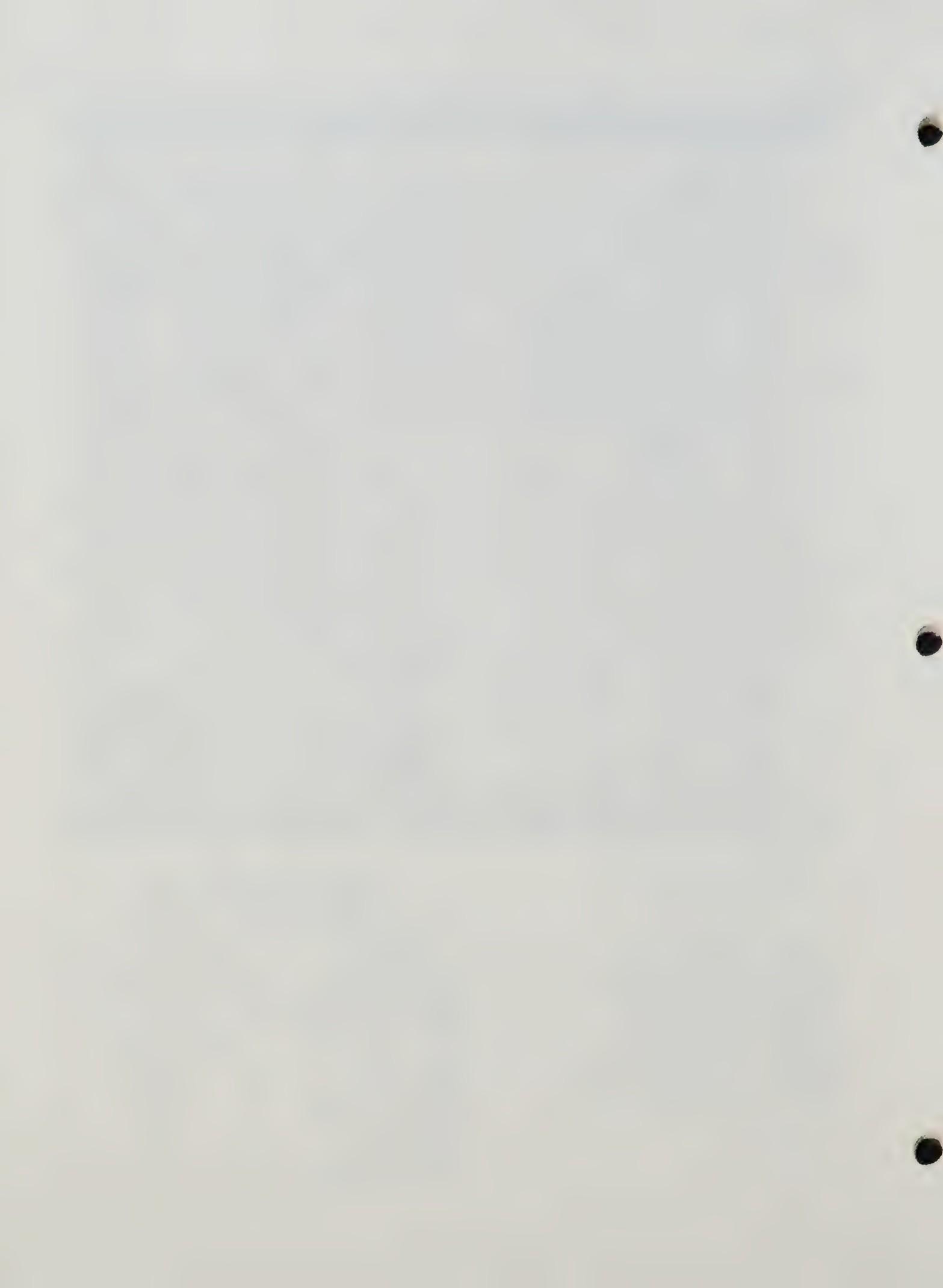
SUBJECT LANDS

Land Use Changes

- From Single and Double to Low Density Apartments
- From Single and Double to Attached Housing
- From Single and Double to Civic and Institutional
- Proposed Road Pattern Deletion
- Proposed Walkway

NOTE: This is a GUIDE PLAN only and is subject to change.
For details contact the local planning division of the Regional
Municipality of Hamilton-Wentworth.

LAND USE RESIDENTIAL single & double attached housing low density apartments medium density apartments high density apartments commercial & apartments	EXISTING POPULATION (1988) 528 Approved Planning Committee MARCH 14, 1989 Council MARCH 27, 1989 Latest Revision Date NOV. 13, 1990	Neighbourhood Boundary Zoning Boundary
		Neighbourhood Boundary Zoning Boundary
COMMERCIAL INDUSTRIAL CIVIC & INSTITUTIONAL PARK & RECREATIONAL OPEN SPACE UTILITIES INSTITUTIONAL & SPECIAL HOUSING	CITY OF HAMILTON PLANNING DEPARTMENT CRERAR APPROVED PLAN SCALE 0 100 m	33



D (c)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 September 14
(P5-2-53)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Authorization for a public meeting regarding requested deletion of the proposed walkway between Lots 61-62 Harbottle Court - Gourley Neighbourhood.

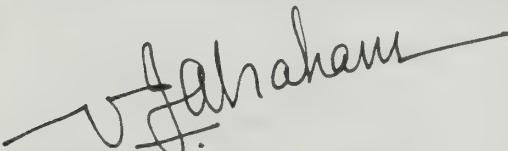
RECEIVED

SEP 1 1993

CITY CLERKS

RECOMMENDATION:

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested deletion of the proposed walkway.



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Residents of Harbottle Court have submitted two petitions (see attached) requesting the following:

- 1) That the proposed walkway between 61 and 62 Harbottle Court to a future proposed road westerly be deleted; and,
- 2) That the proposed sidewalk on Harbottle Court not be constructed.

The location of the petitioners and of the proposed walkway are shown on the attached map. Since the deletion of walkways involves a neighbourhood plan amendment, a public meeting is required to discuss the change.

The sidewalk is only required for the proposed walkway, and is not needed if the walkway is deleted. The request not to install the sidewalk does not require a public meeting, but an amendment to the municipal subdivision agreement between the Regional Roads Department and subdivider.

The proposed walkway has been shown on the Gourley Neighbourhood Plan since it was approved in 1989. It was designated to provide access to the school and park located in the centre of the neighbourhood. In general, walkways are important planning features which provide convenient and safe pedestrian movements within a neighbourhood.

CONCLUSION:

The requested deletion of the proposed walkway should be subject to a public meeting.

GG/dkp

B:\GOURLEY

Petition of Through-Way Path for Harbottle Court'

We, the undersigned, would request that the path between the houses 62 and 66 not be installed on Harbottle Court.

Name	Address	Telephone #
Tony Ciaramella	42 HARBOTTE COURT L9C 7N9	574-2208
PIETRO TACCOLI <i>Alma Faccioli</i>	54 Harbottle Cr. L9C 7N9	318-5982
Dominic Romano D. Romano	34 NARBOTTLE Court L9C 2H6	3828.006
M. Leeson	35 Harbottle Cr. L9C 2H6	385-5758
Antoinette Roman Chiavaralle	58 Harbottle Cr. L9C 7N9	318-0088
PIETRO MERCURIO Devereux	47 HARBOTTE Court L9C 2H6	574-8769
Shawn Dempster Joe Palumbo	38 Harbottle Cr. L9C 7N9	575-4155

Petition of Sidewalk for Harbottle Court

We, the undersigned, would request that the sidewalk not be installed on Harbottle Court

Name	Address	Telephone #
0 Tony Caramella	42 HARBOTTLE COURT	574-2208
0 Candy Landisgo	43 Harbottle Cr ^t L9C 2N9	574-4960
0 MARIO PAPALEO Alma Fede	54 HARBOTTLE Cr ^t	518-5382
0 D. Rauano	39 HARBOTTLE	388-8006
MFARRUGGIA	22 HARBOTTLE Court L9C 2N9	383-5420
0 M. Leeson Gino Arcaro	35 Harbottle 14 HARBOTTLE	385-8758 388-6154
0 Antoinette Roman Chiavatale	58 Harbottle Cr ^t	318-0088
0 Sharon Dempster Joe Palermo	38 Harbottle Cr ^t	575-4155

E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 September 16

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

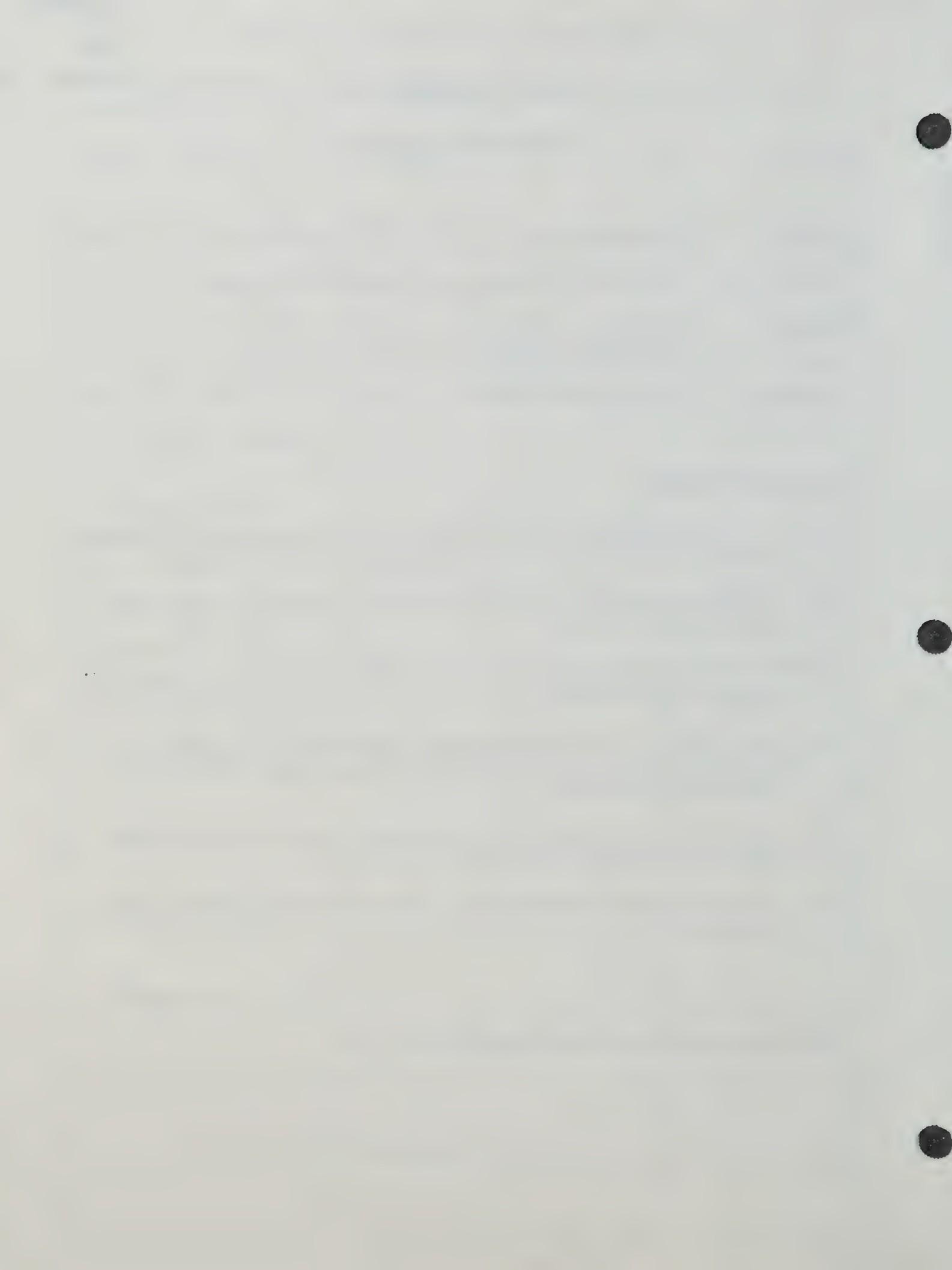
RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Bob Mackenzie, MPP Re: Report of the Advisory Committee on GO Transit distributed 1993 August 20
- (b) Town of Ancaster - Notice of Public Meeting Re: Temporary Use By-laws distributed 1993 September 13
- (c) Notice of Public Meeting Re: Fessenden Neighbourhood - To consider the proposed walkway closure between Fonthill Road and Upper Paradise Road distributed 1993 September 13
- (d) Commissioner of Planning and Development Re: Approved Site Plan Control Application distributed 1993 September 15
- (e) Niagara Escarpment Commission Re: Development Permits distributed 1993 September 16.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A





Urban Municipal
Collection
2nd Floor
Hamilton Public Library

1993 October 14

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 October 20
9:30 o'clock a.m.
Room 233, City Hall

A handwritten signature in black ink, appearing to read "Tina Agnello".

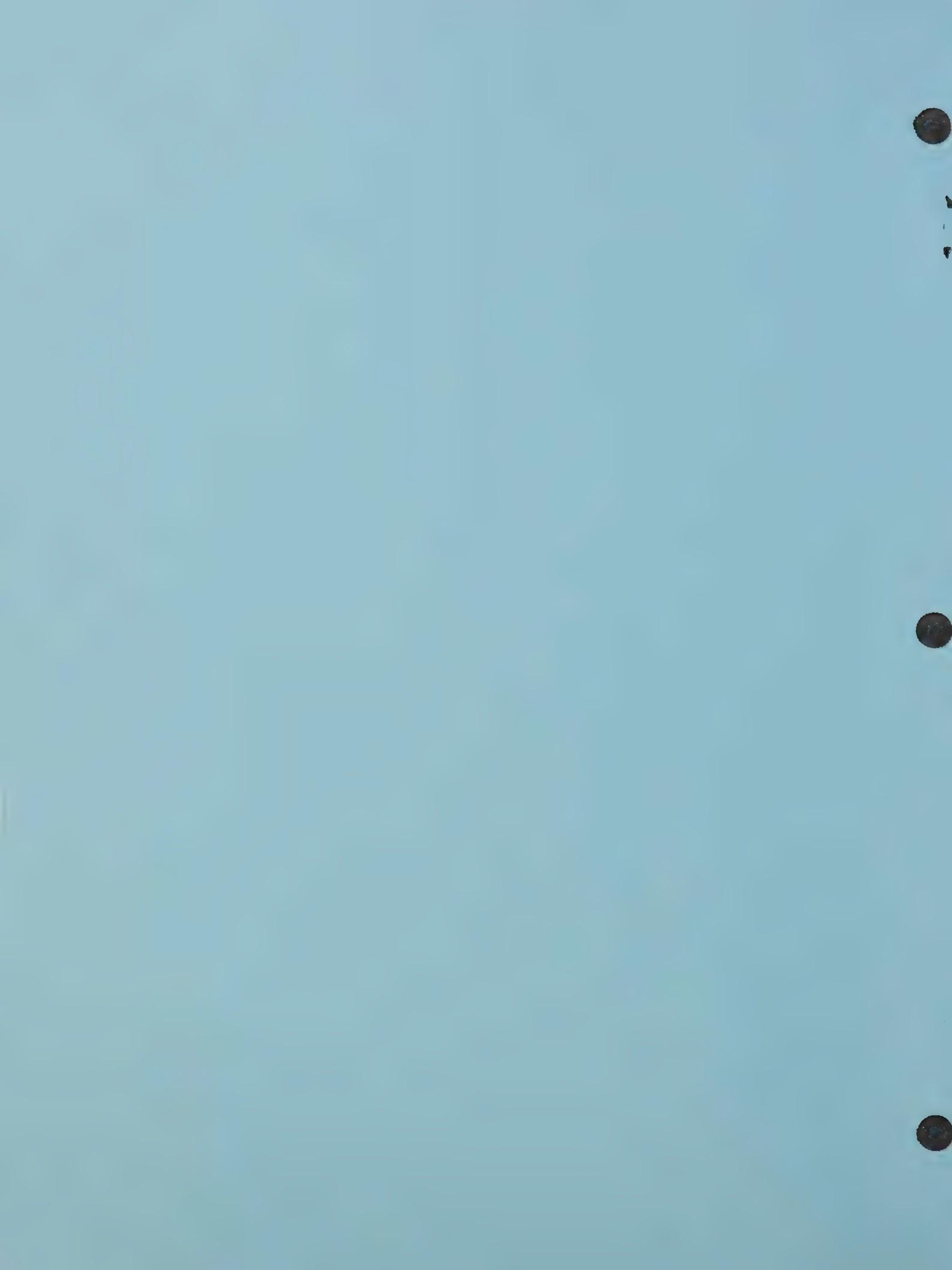
Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

1. Zoning Application 93-29, Jorge Mota, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 1042 Barton Street East; Crown Point West Neighbourhood
2. Zoning Application 93-27, 172965 Canada (Imperial Oil), owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 528 Mohawk Road East (south-east corner of Mohawk Road East and Upper Sherman Avenue); Lawfield Neighbourhood
 - (a) Submission: D. A. Zurbrigg, 867 Upper Sherman Avenue, Hamilton



3. City Initiative 91-H, to consider new Zoning By-law regulations for public parking lots

4. **SECRETARY, LACAC**

712 Main Street East: Heritage Permit Application - Hamilton Regional Indian Centre (report to be distributed at the meeting)

Delegation: Marie Kachmarsky

5. **BUILDING COMMISSIONER**

Hamilton Programme for Disabled Persons

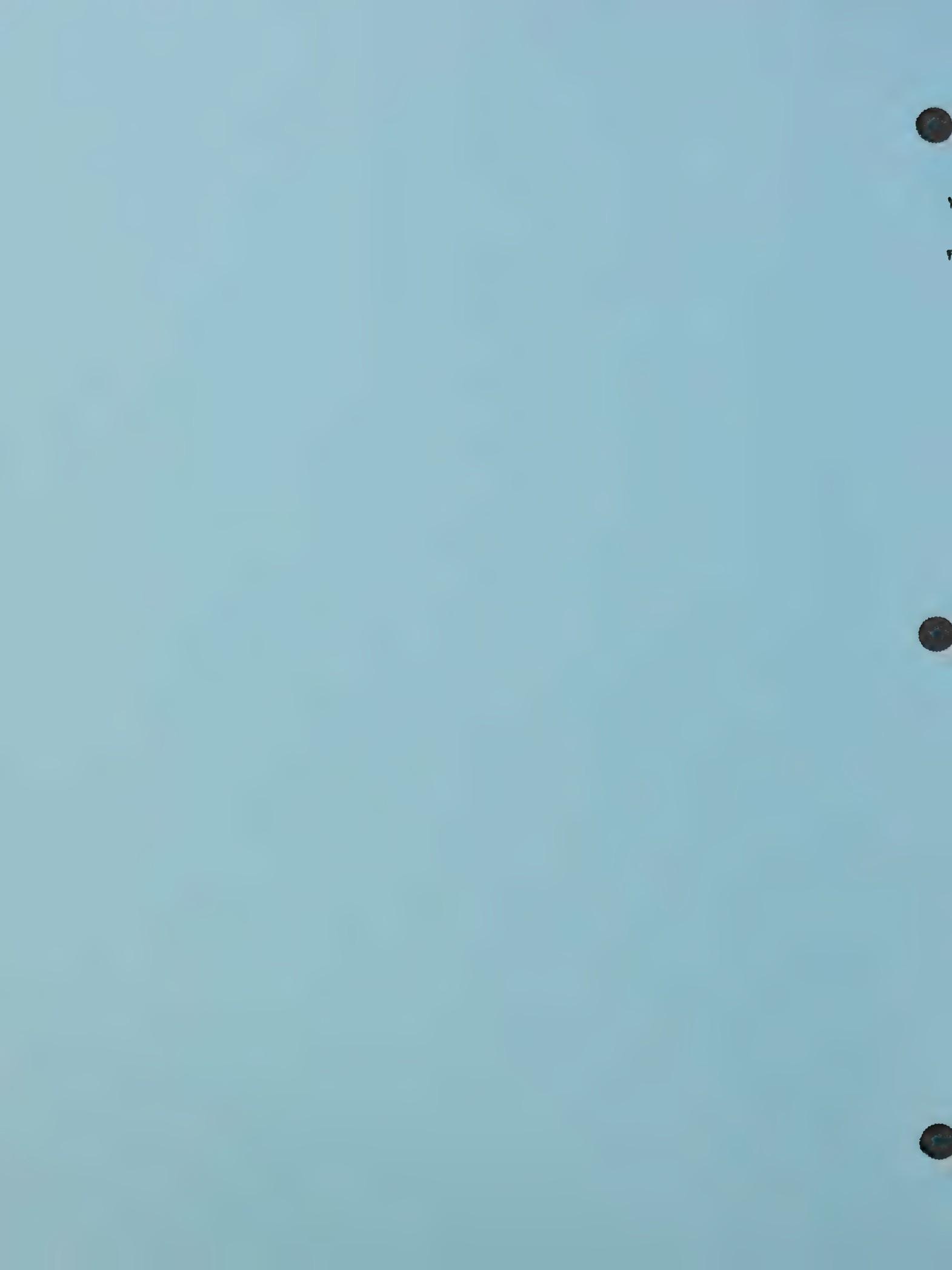
6. **GO STATION ADVISORY COMMITTEE**

Clarification of Previous Council Resolution

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**



PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff



13.	Review of Parking Lot Regulations and Design Standards	1993 July 21		Tabled to 1993 October 22
14.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner and Director of Local Planning	Report Pending

Tina Agnello, Secretary
1993 October 13



1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 October 12

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CHERLS

SUBJECT: Request for a modification in zoning: No. 1042 Barton
Street East.

RECOMMENDATION:

That approval be given to Zoning Application 93-29, Jorge Mota, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a 30 seat restaurant and take out food business, for property located at No. 1042 Barton Street East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593; applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 18A(36) of Zoning By-law No. 6593, a restaurant with a maximum seating capacity of 30 seats and take out food business shall be permitted within the existing building only.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-43 be notated S- ;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-43 for presentation to City Council; and,
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 1042 Barton Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a restaurant with a maximum seating capacity of 30 seats and take out food business within the existing building on the subject lands, notwithstanding that:

- the five required parking spaces would not be provided;
- the access to the site parking area is as close as 12.80 m to the residential district to the south, whereas 30.0 m separation is required; and,
- the required 1.5 m wide planting strip along Barton Street East and Balmoral Avenue North would not be provided.

J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to establish a 30 seat restaurant and take out food business within the front portion of the existing commercial building at No. 1042 Barton Street East. The rear of the building is occupied by a used car sales business, which the applicant intends to retain.

• Committee of Adjustment Application A-93:126

An application was made to the Committee of Adjustment to allow the establishment of the proposed restaurant and take out food use on the subject lands, notwithstanding that: the five required parking spaces would not be provided; the access to the site parking area is as close as 12.8 m to the nearest residential district (instead of 30.0 m); and, the required 1.5 m planting strip adjacent to Barton Street and Balmoral Avenue North would not be provided. The application was denied by the Committee of Adjustment on July 7, 1993, on the basis that the relief requested was beyond that of a minor nature. Subsequently, this application was made for a modification in zoning.

APPLICANT:

Jorge Mota, owner.

LOT SIZE AND AREA:

- 15.57 m (51.09 ft.) of lot frontage on Barton Street East;
- 30.48 m (100 ft.) of lot depth; and,
- 474.63 m² (5,109 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Used car sales business	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Offices/institutional (United Steel Workers Centre)	"H" (Community Shopping and Commercial, etc.) District
to the south	Public parking lot (Parking Authority)	"G-3" (Public Parking Lots) District
to the west	Restaurant/tavern (Piccadilly Tavern)	"H" (Community Shopping and Commercial, etc.) District, modified

to the east	Retail commercial and residential apartments	"H" (Community Shopping and Commercial, etc.) District
-------------	--	--

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan, and are categorized as "Extended - Ribbon" commercial. The following policies apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
 - i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,...
- A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- A.2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:
 - i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,

- ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.37 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal complies with the intent of the Official Plan for the City of Hamilton.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" by the approved Crown Point West Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Office of The City Clerk, Licence Division have no objections.
- The Building Department has advised that:
 1. Five (5) parking spaces are required to service the proposed restaurant.
 2. The access to the parking area must be at least 30 m from the residential district.
 3. The parking area must be at least 12.0 m from the residential district.
 4. A 1.5 m planting strip is required adjacent to Balmoral Avenue North and Barton Street East."
- The Hamilton-Wentworth Roads Department advises that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

The designated road allowance width of this portion of Barton Street East is 20.12 m and the road allowance width of Balmoral Avenue has been established at 18.29 m. Therefore, according to our records no further road allowance widenings are required at this time.

Any works which may occur within the Barton Street East and the Balmoral Avenue road allowances must conform to the Region's Roads Use By-law and the City of Hamilton Street By-law respectively.

Any new or altered access to Barton Street East requires an Approach Approval from the City of Hamilton Traffic Department.

According to our records, the alley to the rear of the subject lands is public assumed.

Comments from the City of Hamilton Traffic Department with respect to on-site parking requirements should be received."

- The Traffic Department advises that:

"There are several parking spaces on-site at the west of the building and on the City boulevard. It is our understanding that these spaces are to be utilized by the existing car sales office and not by patrons of the proposed restaurant addition. No provision on-site for parking for the staff and customers of the proposed 30-seat restaurant and take-out food business will result in a spillover of parking into the adjacent area."

COMMENTS:

1. The proposal complies with the intent of the City of Hamilton Official Plan and the approved Crown Point West Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) It complies with the intent of the Official Plan, which designates the subject lands "COMMERCIAL - Extended Ribbon", and with the approved Crown Point West Neighbourhood Plan, which designates the subject lands "COMMERCIAL".

- ii) It would be compatible with, and may assist in the rejuvenation of, existing commercial development in the adjacent area along Barton Street East. Furthermore, the subject lands are located adjacent to a public parking lot immediately to the south, which would provide a buffer between the proposed restaurant use and the residential uses to the south.
3. Approval of the application would require the following variances to Section 18A(36) of the Zoning By-law, regarding restaurants in "H" (Community Shopping and Commercial, etc.) Districts:
- the five required parking spaces would not be provided;
 - the access to the site parking area is as close as 12.80 m to the residential district to the south, whereas 30.0 m separation is required; and,
 - the required 1.5 m wide planting strip along Barton Street East and Balmoral Avenue North would not be provided.

The intent of the above noted section of the Zoning By-law is to mitigate the potential spillover effects of restaurants in "H" Districts upon adjacent residential areas, with regard to parking and traffic.

However, it is noted that the subject lands are separated from the adjacent residential area by an existing public parking lot, located immediately to the south. In this regard, the reduction in separation distance and planting strips would not appear to alter the character of the area or the existing situation respecting the proximity of parking areas to the adjacent residential uses. Furthermore, the public parking lot would afford parking opportunities for the proposed use. On this basis, the above-noted variances can be supported.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M



LEGEND



Site of the Application

ZAC-93-29

APPENDIX A

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 October 13
Lawfield Neighbourhood
ZAC-93-27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

OCT 12 1993

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

CITY CLERKS

SUBJECT: Request for a modification of zoning - No. 528 Mohawk
Road East.

RECOMMENDATION:

- A. That approval be given to Zoning Application 93-27, 172965 Canada Limited (Imperial Oil) c/o Vince Serratore, owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store (kiosk), on property located at No. 528 Mohawk Road East (south east corner of Mohawk Road East and Upper Sherman Avenue), as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, be modified to include the following variances as special requirements:
- a) Notwithstanding Section 14.(1)(xviiia) of Zoning By-Law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted;
- b) A planting strip not less than 6.0 m in width shall be provided and maintained along the southerly lot line and no parking or other use shall be permitted within the planting strip;
- c) A planting strip not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines, except for any area used for vehicular access; and

- d) A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the southerly and easterly lot lines, except that no visual/acoustical barrier shall be situate less than 3.0 m in distance from the westerly lot line (Upper Sherman Avenue) or the northerly lot line (Mohawk Road East);
 - ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-38 be notated S - ;
 - iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593, and Zoning District Map E-38 for presentation to City Council; and
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

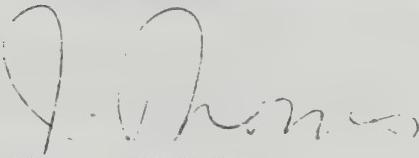
The purpose of the By-Law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 528 Mohawk Road East (south-east corner of Mohawk Road East and Upper Sherman Avenue), as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit redevelopment of the existing gas station and repair garage for a single bay car wash in conjunction with a gas bar and a convenience store (kiosk), which are currently permitted under the existing zoning regulations.

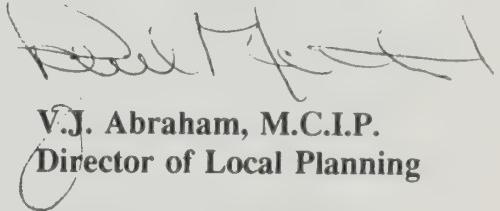
In addition, the By-Law provides for the following variances as special requirements:

- permits a free standing single bay mechanical car wash, accessory to a gas bar, whereas the By-law allows an accessory single bay mechanical car wash only when it is within the same building as an automobile service station or public garage and provided it does not occupy more than 30% of the gross floor area of the service station or garage;
- requires a minimum 6.0 m wide planting strip along the southerly lot line, whereas the By-law only requires 3.0 m;
- requires planting strips not less than 3.0 m in width along the northerly and westerly lot lines, except for any area used for vehicular access, whereas the By-law does not require planting strips; and

- requires a visual/acoustical barrier between 1.8 m and 2.0 m in height along the southerly and easterly lot lines (except for within 3.0 m of Mohawk Road East and Upper Sherman Avenue), whereas the By-law only requires a visual barrier 1.2 m to 2.0 m in height.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to permit redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store (kiosk). In this regard, a preliminary site plan has been submitted with the rezoning application (see Appendix "B").

APPLICANT:

172965 Canada Limited (Imperial Oil), owner.

LOT SIZE AND AREA:

- 57.912 m (190.0 ft.) of lot frontage on Mohawk Road East;
- 60.960 m (200.0 ft.) of lot flankage on Upper Sherman Avenue; and
- 3,530.3 m² (37,997.85 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	service station	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	service station and single-family dwellings	"H" (Community Shopping Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
to the south and east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	commercial	"H" (Community Shopping and Commercial, etc) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" Land Use Concept of the Official Plan. The following policies, among others, apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:
 - i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads and, in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,

- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.
- A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:
- i) The establishment of building separation distance and yard requirements;
 - ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
 - iii) Paved surface requirements for all non-landscaped areas;
 - iv) The restriction of outside storage, other than automobiles;
 - v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
 - vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.
- A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Lawfield Neighbourhood Plan. The proposal complies with the intent of the approved Lawfield Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The proposed car wash is not permitted. Only a manual or mechanical car wash utilizing not more than one bay or stall as an accessory use to an automobile service station is permitted, provided the car wash is in the same building and does not occupy more than 30% of the gross floor area of the service station.
 2. The proposed car wash shall conform to car wash, manual or car wash, mechanical as defined under Section 2 (2) H (1a) and (1b) of Zoning By-law No. 6593.
 3. The convenience store building and garbage enclosure must be 6.0 m from the easterly lot line.
 4. Every ground sign shall be at least 6.0 m from the front lot line (Mohawk Road East) and at least 3.0 m from the easterly and southerly lot lines.
 5. A planting strip at least 3.0 m wide shall be provided along the easterly and southerly lot lines. No parking or other use shall be permitted in the planting strip.

6. A visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be erected and maintained along the easterly and southerly lot lines within 3.0 m of the street line of Mohawk Road East and Upper Sherman Avenue.

NOTE: Our records indicate that this property is located in an "H" zoning district. An "H" zone is not normally subject to Site Plan Control, unless the area has been designated to be subject to Site Plan Control."

- The Traffic Department has advised that:

"..we have reviewed the above application and find it satisfactory. Any comments regarding the site plan will be identified under site plan application DA-93-21."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Mohawk Road is 30.48 m. In accordance with this designation, the Region previously acquired a portion of the road widening on Mohawk Road by By-law No. 8513.

The designated road allowance width of Upper Sherman Avenue is 30.48 m. According to our records, the Region previously acquired a portion of the road widening by By-law No. 8167 and Instrument No. 188447 C.D. Therefore as a condition of development approval, we require that an additional strip of land 2.134 m in width be dedicated to the Region for road widening purposes. This widening is required to establish the property line 15.24 m from the centreline of the original Upper Sherman Avenue road allowance.

As a condition of development approval, we recommend that a 12.19 m by 12.19 m daylight triangle be dedicated to the Region for road widening purposes. This daylight triangle is to be established at the widened road allowance at the south east angle of Mohawk Road and Upper Sherman Avenue.

Comments from the City of Hamilton Traffic Department with respect to access design and location, stacking for the car wash, etc. should be considered. Access Permits are required from their office for any change in access or new access to Mohawk Road or Upper Sherman Avenue.

In conjunction with this application, the applicant has also submitted Site Plan Control Application DA93-21 for these lands. As noted, the plans must be revised to reflect our road widening, grading and landscape requirements."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Lawfield Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of both the Official Plan and the approved Lawfield Neighbourhood Plan, which designate the site "COMMERCIAL";
 - the proposal is appropriately located at the intersection of two major arterial roads;
 - the proposal would be compatible with existing development in the area, including commercial uses at the other three corners of Mohawk Road East and Upper Sherman Avenue. Extensive landscaping and acoustical barriers are proposed to buffer the adjacent residential uses to the east and south; and
 - the restrictions to the "H" Districts with regard to car washes were introduced in the 1970's, to mitigate the potential effects on adjacent residential uses. However, the proposed single bay mechanical car wash is a modern roll-over type car wash operated by the motorist from within the vehicle. Furthermore, the proposed free standing mechanical car wash would be limited to one bay and permitted only as an accessory use to a gas bar. As well, it would be no less feasible than a single bay mechanical car wash in the same building as an automobile service station or public garage, which would be permitted under the existing zoning regulations.
4. The Building Department has reviewed the site plan submitted with the application and has noted that the following variances are required:
 - The convenience store building and garbage enclosure must be 6.0 m from the easterly lot line, whereas the set backs proposed are 4.4 m and 0.0 m respectively (Section 18.(3)(ivc)(a)). As there is adequate site area to accommodate the relocation of the convenience store building and the garbage enclosure without the need for the variances, the requested variances cannot be supported.
 - Every ground sign shall be at least 6.0 m from the front lot line (Mohawk Road East) and at least 3.0 m from the easterly and southerly lot lines (Section 18.(3)(e)). The signs proposed adjacent to Mohawk Road are located within the proposed daylight triangle and are within a minimum of 1.5 m of the widened road allowance. As the signs could be relocated to accommodate the daylight triangle and to meet the required set backs, the requested variances cannot be supported.

5. As proposed on the preliminary site plan, the following special provisions should be applied to mitigate potential effects (eg. noise, headlight glare) of the proposal on the adjacent residential districts and to enhance the Upper Sherman Avenue and Mohawk Road streetscapes:

- A planting strip not less than 6.0 m in width should be provided and maintained along the southerly lot line (adjacent to the proposed car wash) and no parking or other use should be permitted within the planting strip, whereas the By-law only requires 3.0 m;
- A planting strip not less than 3.0 m in width should be provided and maintained along the northerly and westerly lot lines, except for any area used for vehicular access, whereas the By-law does not require planting strips; and
- A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height should be provided and maintained along the southerly and easterly lot lines, except that no visual/acoustical barrier should be situate less than 3.0 m in distance from the westerly lot line (Upper Sherman Avenue) or the northerly lot line (Mohawk Road East), whereas the By-law only requires a visual barrier 1.2 m to 2.0 m in height.

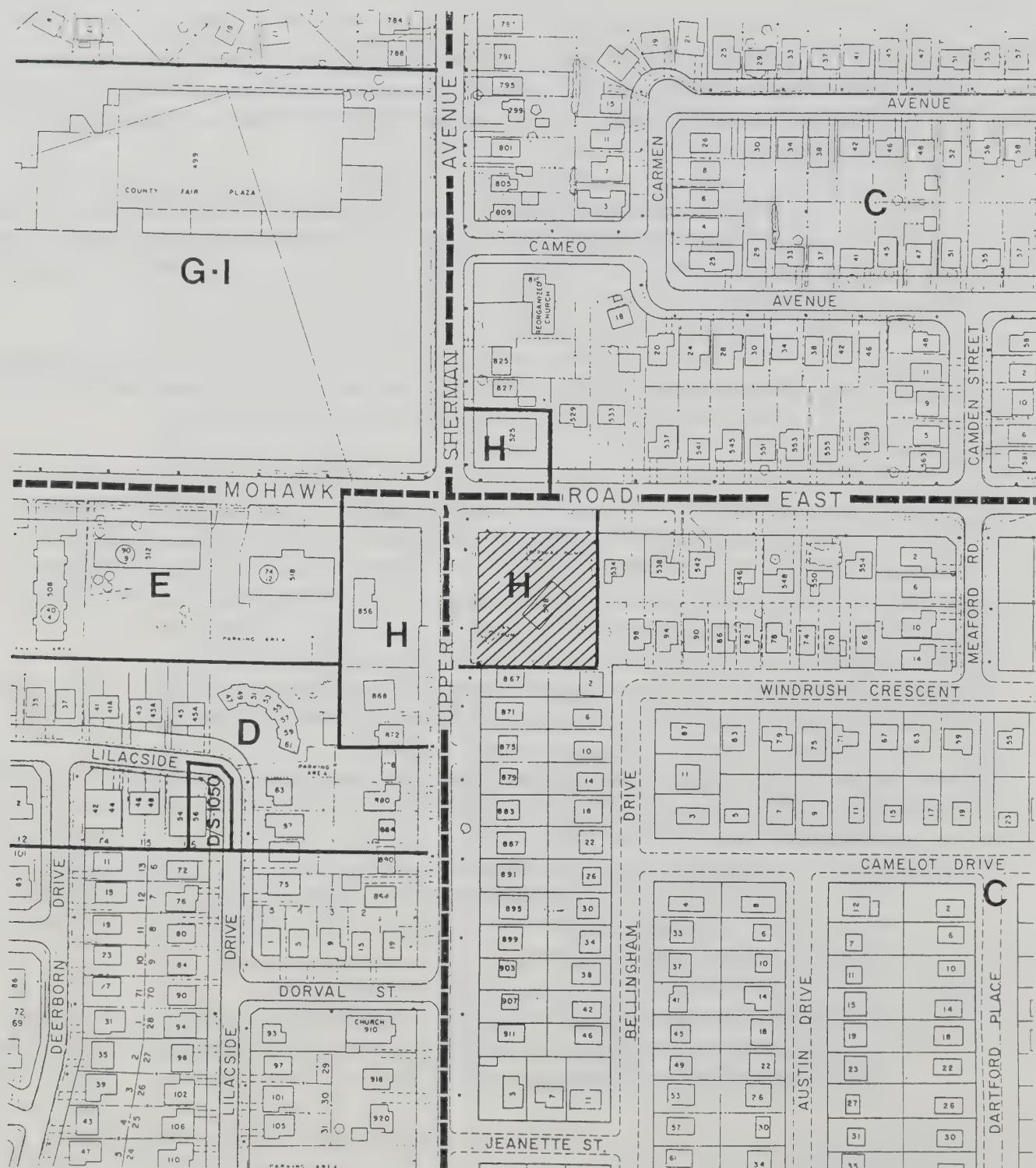
In addition to the above, it is noted that a 3.0 m planting strip would be required along the easterly lot line, in accordance with Zoning By-law No. 6593.

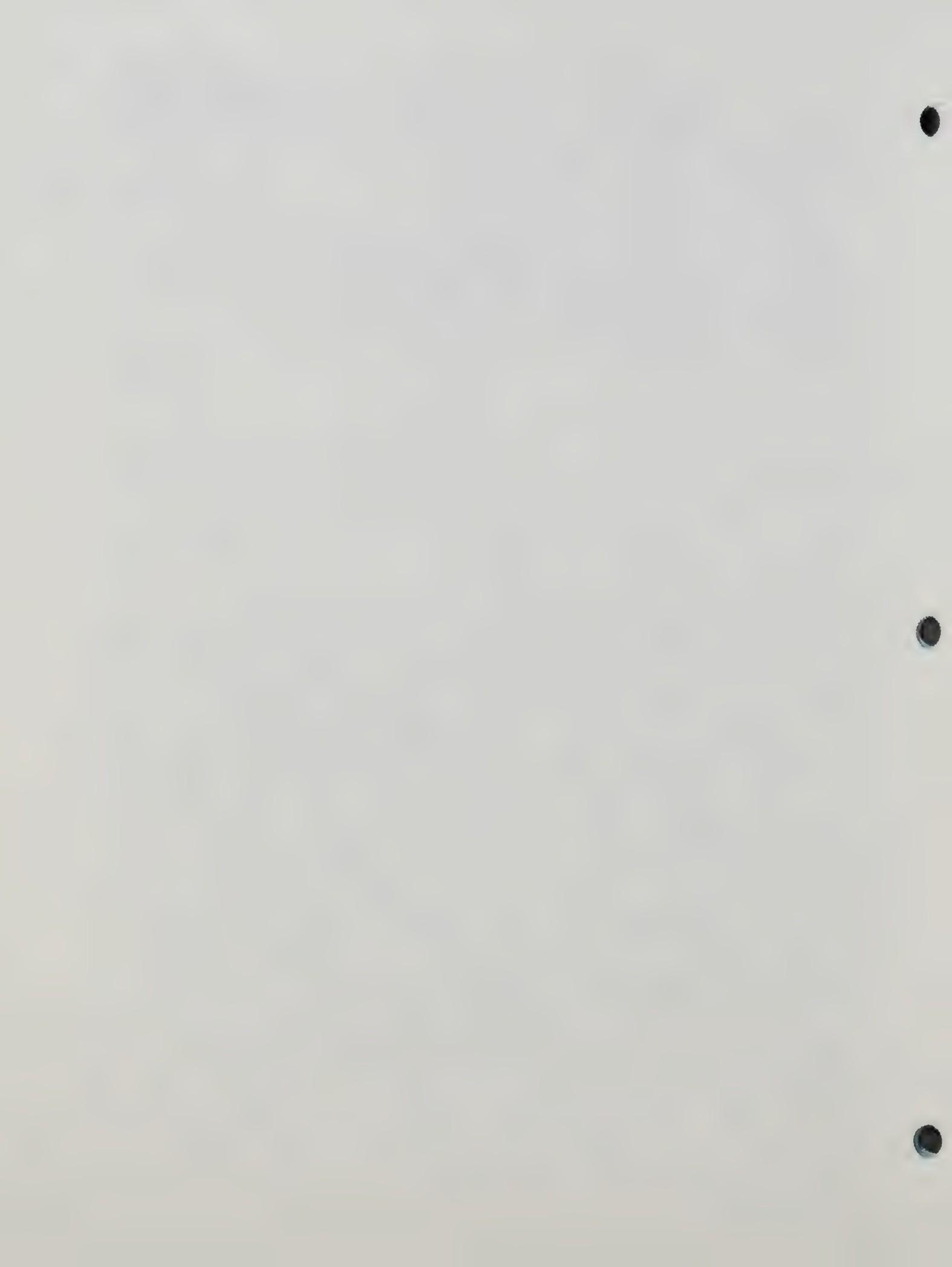
6. The "H" (Community Shopping and Commercial, etc.) District is not subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. In this regard, it would be appropriate to place the subject lands under Site Plan Control so that matters such as access, signage, parking layout, landscaping, grading, fencing, etc. can be further reviewed during the Site Plan process. In this regard, the applicant has already submitted a Site Plan Control application (DA-93-21), which is being held in abeyance pending the outcome of this rezoning application.
7. The Roads Department has indicated that road widening dedications of 2.134 m along Upper Sherman Avenue and a 12.19 m by 12.19 m daylight triangle are required. These dedications will be required during the Site Plan process.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/CL-M





Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Oct 12

2a)

867 Upper Sherman Avenue
Hamilton, Ontario L8V 3N2
Phone (416) 575-0178

October 04, 1993

The Secretary,
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N-3T4

R E C E I V E D

OCT 11 1993

CITY CLERKS

Dear Secretary;

Regarding Planning Department file # ZAC-93-27 Application from 172965 CANADA LIMITED (IMPERIAL OIL), owner for a modification to the established "H"(Community Shopping and Commercial,etc.) District regulations, for property located at # 528 Mohawk Road East (south east corner of Mohawk Road East and Upper Sherman Avenue.)

Please be advised that I OBJECT to the proposed rezoning of the aforementioned property which would include redevelopment of the existing gas station and repair garage for a gas bar, car wash and convenience store (kiosk).

Please also be advised that if such request be adopted by city council that I hereby request the Region to refer the proposed Official Plan Amendment to the Ontario Municipal Board (O.M.B.) for a Hearing.

The following is my statement highlighting the reasons for my OBJECTION .

1) There are now (4) convenience stores currently operating at the intersection of Mohawk and Upper Sherman. SHERHAWK VARIETY on the west side of Upper Sherman just south of Mohawk, KEVINS NO FRILLS on north west CORNER of Mohawk and Upper Sherman, DOMENICS AUTO TECH NOCO EXPRESS SHOP on the south west corner of Upper Sherman and Mohawk and on the north east corner of the intersection, CARAVAN MINI MART. There is no need for another convenience store as proposed.



Lynne & Dennis Zurbrigg



867 Upper Sherman Avenue
Hamilton, Ontario L8V 3N2
Phone (416) 575-0178

2) As the property owner of 867 Upper Sherman Ave. which is located immediately south of the IMPERIAL OIL property I have some personal concerns.

A) The proposed modification to zoning will add to the existing noise problem in that there would be an increase in vehicular traffic in and out of the station, also increased noise levels created by the CAR WASH, (the air blowers are extremely noisy). Due to the noise created we will incur a LOSS OF ENJOYMENT in that outside activities currently enjoyed e.g. the family Barbeque, or sitting outside reading a book would no longer be a pleasant experience. The same noise problem occurs inside our home. We are not adequately protected from the noise levels generated even today.!

B) I also have a concern for LOSS OF PROPERTY VALUE in that the proposed zoning change allowing the development of a highly commercialized business will lower our property value in an already depressed market.

I will be attending the Public Meeting Room 233 City Hall, on Wednesday, October 20, 1993 at 9:30 a.m.

Thankyou for your help.

A handwritten signature in black ink that reads "D.A. Zurbrigg".

Mr. D.A. Zurbrigg

c.c.

Regional Clerk
Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N-3V9

Aldermen
Mr. H. Merling
Mr. T. Anderson
City Hall
71 Main Street West
Hamilton, Ontario
L8N-3T4

Drew E. Horlacher, B.A., LL.B.
75 Young Street
Hamilton, Ontario
L8N-1V4

CITY OF HAMILTON

3.

- RECOMMENDATION -

DATE: October 12, 1993
CI-91-H

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Review of Parking Lot Regulations and Design Standards.

RECOMMENDED

CITY OF HAMILTON

SECOND REPORT

RECOMMENDATION:

1. That approval be given to City Initiative CI-91-H to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements on the following basis:

- i) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, be amended as follows:
 - a) That Section 13C.(1)(iii) be amended by adding the words "notwithstanding clauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said clause;
 - b) That Section 13C.(3) be deleted in its entirety and replaced with a new Section, as follows:

AREA REQUIREMENTS

(3) The following yards shall be provided within the district and maintained as appurtenant to every building in a G-3 district:-

- (i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').

- c) That Sections 13C.(4) and (5) be deleted in their entirety and replaced with a new Section 13C.(4), as follows:

LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

- (4) (i) A landscaped area of not less than 3.0 metres (9.84') in width shall be provided and maintained along any highway and public right-of-way, except for the area used for access driveways;
- (ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use;
- (iii) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line and rear lot line of a public parking lot which adjoins a residential district or use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line;
- (iv) All open areas, except areas required to be landscaped, shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands;
- (v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected.
- ii) That Section 18A PARKING AND LOADING REQUIREMENTS of Zoning By-law No. 6593, be amended by adding a new Section 18A. (40), as follows:
- 18A.(40) Every public parking lot shall be subject to the provisions of Section 13C.
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. That the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence for new parking lot development, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for public parking lots respecting front yard setback and landscaping requirements.

The effect of the by-law is to establish the following new regulations for all public parking lots:

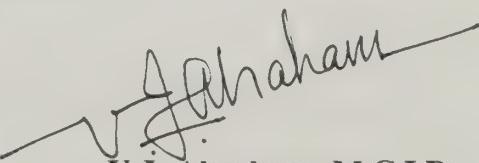
- A minimum front yard equivalent to the front yard required for an adjacent residential district, but in no case less than 3.0 m; and,
- A minimum 3.0 m wide landscaped area required along any highway or public right-of-way (except for access driveways).

In addition, the existing regulations which apply only to public parking lots within the "G-3" (Public Parking Lots) District, would be expanded to all public parking lots regardless of zoning district. Furthermore, the buffering requirements which apply to public parking lots adjacent to residential districts would be expanded to public parking lots adjacent to residential uses. In this regard, the following regulations would also apply to all public parking lots:

- A minimum 1.5 m wide planting strip required along every side lot line and rear lot line of a public parking lot that abuts a residential use or district;
- A minimum 1.2 m to 2.0 m high visual barrier required along every side lot line and rear lot line of a public parking lot that adjoins a residential use or district (except no visual barrier shall be located less than 3.0 m from a front lot line);
- All areas (except required landscaping) are required to be paved with asphalt or concrete, and graded or drained to ensure that water will not escape to neighbouring lands (existing regulation); and,
- All lighting facilities shall be so designed, installed and maintained to ensure that the light is deflected away from residential uses and districts, and any lighting of signs shall be similarly deflected (existing regulation).



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Downtown Action Plan Co-ordinating Committee requested the Planning Department to review the Zoning By-law and Licensing Guidelines pertaining to downtown parking lots. The Committee is concerned about temporary parking lots occurring in the downtown core with no control over buffering or regard for aesthetics.

Previous Meeting

At the meeting of May 5, 1993 the Planning and Development Committee authorized a public meeting to be held July 21, 1993 to consider the proposed changes to Zoning By-law No. 6593, respecting landscape requirements for public parking lots.

Up-date

At its meeting of July 21, 1993 the Planning and Development Committee tabled the above-mentioned City Initiative, to allow additional time for submission of comments.

PROBLEMS:

Attached are photographs (i.e. Pictures #1 to #6) illustrating some of the typical problems that can arise when there is no control over buffering and regard for aesthetics for parking lots.

We can observe parking lots that cover an entire city block with no landscaping and/or streetscape adjacent to the street. This typically results in large expanses of uninterrupted gravel and asphalt, adjacent to residential and/or commercial uses.

Parking lots located adjacent to single-family or multiple residential uses typically have a distance separation along their boundaries, but no landscape treatment (i.e. trees, shrubs, benches, paving patterns, fencing, etc.) adjacent to the residential use and/or the street.

Parking lots with little or no distance separation between the sidewalk and parked vehicles promote encroachment into the road allowance and, in some instances, infringe upon pedestrian movement along the sidewalk. Furthermore, there is little area available for enhancement of the parking lot and streetscape.

The number of parking lots in the downtown will increase due to the need for a source of revenue while awaiting redevelopment. In the mean time the problems associated with parking lots will become more noticeable. Typically, with little or no control over buffering and regard for aesthetics, parking lots will be visually obtrusive, create a negative impact on adjoining lands, and by and large alter the physical character of the established downtown core.

CITY OF HAMILTON POLICY AND REGULATIONS:i) Official Plan

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

- " 3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and Loading facilities.
- 3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All Parking areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The Official Plan provides direction regarding parking lot design. In this regard, actions to improve the quality of parking lot environments, provide mitigative measures and specify landscape requirements can be implemented.

ii) Zoning Regulations

Public Parking lots are permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) District
- "G-1" (Designed Shopping Centre) District
- "G-2" (Regional Shopping Centres) District
- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "HH" (Restricted Community Shopping and Commercial etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial Residential) District

- "CR-3" (Commercial Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District
- "K" (Heavy Industry) District
- "JJ" (Restricted Light Industrial District)
- "KK" (Restricted Heavy Industrial District)

The above-mentioned zoning districts all permit "public parking lots". In addition, landscape requirements are applied on the following basis:

- "G-3" (Public Parking Lots) Districts

A minimum front yard depth equivalent to an adjoining residential district on that part of the public parking lot which is distant 12.0 m or more from an adjacent commercial district.

A minimum 1.5 m setback from any residential building in an adjacent residential district, for a side or rear yard. Furthermore, there shall be provided between the boundary of the parking lot and the residential district, an area landscaped with a planting strip.

A 1.2 - 2.0 m high visual barrier along a side or rear lot line that adjoins a residential district, except within 3.0 m of a front lot line.

- Other Zoning Districts

Section 18A of the Zoning By-law has regulations that require buffering to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots when they abut a "residential district" as follows:

Where five (5) or more parking spaces are provided for residential, institutional, public or commercial use on a lot adjoining a residential district, a minimum 1.5 m landscape area with a planting strip and a visual barrier 1.2 - 2.0 m high is to be provided and maintained between the boundary of the parking/loading area and the adjoining residential district.

Currently, any By-law regulations that do exist are intended to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas/lots only when they abut a "residential district". Parking lots that are established in the downtown core typically abut "commercial districts", therefore the above-mentioned regulations for buffering and landscaping are generally not applicable.

iii) Site Plan Control

Parking lots proposed within the "Central Area" (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) are subject to Site Plan Control, as per By-law 90-285, regardless of their zoning district. Previously, only parking lots that were proposed within zoning districts regulated under By-law No. 79-275 (i.e. "G", "G-1", "G-2", "G-3", "HH", "HI", "CR-1", "CR-2", "CR-3") and areas designated by way of a special by-law were subject to Site Plan Control.

iv) Parking Lot Licensing

The Licencing Division of the City Clerk's Department has advised that all parking lot proprietors require a "Garage D" licence in order to operate a lot and they must renew their licence on a yearly basis. The Licensing By-law only contains provisions respecting physical matters (e.g. lighting, barriers, signage, etc.) for parking lots, not "landscaping".

The application for a "Garage D" licence is only made when a new lot is being established or when there has been a change in ownership noted at the time of renewal.

When a parking lot licence is applied for in a zoning district that permits the use, the applicant is made aware that they are subject to the requirements of Zoning By-Law 6593, Property Standards By-law 74-74, and any other additional requirements (i.e. Site Plan Approval). The licence is then issued following approval by the City of Hamilton Licensing Committee.

Once the licence has been issued, the City Clerks Department relies upon the Building Department for compliance to the Hamilton Zoning By-law regulations for parking lots.

The Building Department has advised that parking lots may go unchecked with respect to compliance to the Hamilton Zoning By-law, since they do not normally require a building permit to be developed. They would only require a permit if the kiosk structure exceeds 9.29 m² in area, which in most instances is not the case.

Invariably, parking lots are established without the benefit of Site Plan Approval and compliance in the past has generally been dealt with on a complaint basis.

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Ten (10) municipalities were circularized for information regarding parking lot regulations within their Zoning By-law (see Table 1).

Summary of Table 1

1. Six (6) of the ten (10) municipalities surveyed have specific regulations within their Zoning By-law pertaining to parking lots (i.e. number of required spaces, width of aisles and access driveways, parking space dimensions).

2. Four (4) of the ten (10) municipalities surveyed have setback requirements which limit the extent of paved area in relation to adjacent uses and road right-of-ways. The minimum distance separation from a road right-of-way is 0.9 m and the maximum is 3.0 m.
3. Three (3) of the ten (10) municipalities surveyed have landscape planting strip requirements, ranging from 3.0 m minimum in width to a maximum 9.0 m width, which buffer/screen the parking lots from adjacent uses and/or road right-of-ways (i.e. Brampton, Burlington, Ottawa).
4. All ten (10) of the municipalities surveyed regulate parking lots under Section 41 of the Planning Act (i.e. Site Plan Control).

In conclusion, half of the cities surveyed have regulations within their zoning by-law pertaining to parking lots (i.e. setbacks and landscape requirements). Furthermore, as a minimum design standard for parking lots, a landscaped planting strip which varies in width from 0.9 m to 9.0 m, but is typically 3.0 meters (10 feet) in width, is required where a parking lot abuts a road right-of-way.

SUBMISSIONS:

Following the tabling of this initiative at Planning and Development Committee meeting of July 21, 1993, to allow additional time for submission of comments, a total of six (6) additional and two (2) orginal submissions have been received and noted (see attached).

Generally, the operators and interested parties support the goals of the study and proposed regulations. However, they have expressed the following concerns:

- minimum 3.0 m landscape area seems excessive for reasons of economics and maintenance (i.e. watering of plants and snow removal);
- surface treatment of parking lots;
- personal safety; and,
- requirements not be applied retroactively.

With respect to the concern that the **minimum 3.0 landscape requirement** may be excessive, depending on site constraints (i.e. site area), it should be noted that as per the definition of a "Landscaped Area" under Section 2. (2)(xb) of the zoning by-law, only 50% of the area must be comprised of natural planting. Proper selection of plants will minimize maintenance of the landscaped area (i.e. selecting plants that tolerate dry conditions and road salt used during the winter months). Furthermore, the 3.0 m landscape area could be designed to minimize maintenance, such as providing 1.5 meters of natural planting and 1.5 meters of paving stones. Depending on the site and layout the paved area could be utilized as a pedestrian walk, an area for bench seating or an area to pile snow during the winter months.

Alternatively, the owner/operator would have the option of applying to either the Committee of Adjustment for a variance or City Council for a rezoning modification to obtain relief. In this regard, each application would be evaluated on its own merits on a site by site basis. Furthermore, any proposals to reduce the minimum requirement(s) could be considered under the Site Plan process.

The 3.0 m minimum landscaped area is not excessive from a practical and urban design perspective. It is the minimum depth necessary to provide buffering along the street for the purpose of enhancement, beautification, and to ensure safety.

With respect to the issue of **surface treatment** of parking lots, it should be noted the zoning by-law currently requires parking areas to be paved with concrete or asphalt. This requirement ensures proper drainage and maintenance (i.e. control dust), thus no change has been proposed.

The issue of **personal safety** (i.e. lighting requirements, selection and placement of trees and shrubs and visual barriers) and provision of parking easements for the disabled are matters that can be effectively dealt with under the Site Plan Approval process.

With respect to the **retroactive actions** (application/enforcement) of the by-law, the Building Department has advised:

"Our Department would not consider restriping, repaving, adding a kiosk etc. as a condition which would place an existing lot into retroactive state. Therefore, we would not ask for the new parking lot requirements on a existing lot which was created before the date of the new by-law."

Thus, the new requirements would not be applied retroactively and existing parking lots would effectively be grandfathered.

COMMENTS:

The existing regulations associated with the "G-3" (Public Parking Lots) District and Section 18A (Parking and Loading Requirements) of the Zoning By-law are intended to mitigate negative spill-over effects (i.e. noise, headlight glare) of parking lots only when they adjoin a "residential district". No provision is made in the Zoning By-law for setbacks and/or landscaping for parking lots proposed in the remaining "commercial districts", such as the Central Area.

From an urban design perspective, the principle of requiring setbacks and landscape treatment for parking lots within the downtown core, has merit. Potentially, such requirements could provide a significant aesthetic benefit with respect to streetscape enhancement, beautification, and ensure safety along our highways and public right-of-ways (i.e. roads). The attached pictures #7 to #12 in comparison to pictures #1 to #6 reveal the benefit of setbacks and landscaped planting strips next to a highway and public right-of-way.

Accordingly, it would be appropriate to introduce regulations for parking lots, when they are located in a commercial district, abut a highway and/or public right-of-way, and adjoin a residential district or use (see attached illustrations).

Thus, the following is recommended regarding the regulation of parking lots:

1. That Section 13C - "G-3" (Public Parking Lots) District, be amended as follows:

- a) Signs

That Section 13C. (1) (iii) be amended by adding the words "notwithstanding subclauses 2. (2) J. (xb) and 2. (2) J. (xxvi)," at the beginning of said subclause.

This will allow the information and directional signs currently permitted to be located within the proposed 3.0 m landscape area along a highway and public right-of-way.

- b) Front Yard

That Section 13C. (3) be deleted in its entirety and replaced with a new section, as follows:

AREA REQUIREMENTS

- (3) The following yards shall be provided within the district, and maintained as appurtenant to every building in a G-3 district:-

- (i) Where a front yard is required for any lot on the same side of the street between two intersecting streets, a front yard of a depth at least as great as that required for any such lot, but in no case of a depth of less than 3.0 metres (9.84').

This amendment clarifies and maintains the existing front yard requirement for a public parking lot that is proposed adjacent to a residential district or use, and adds a new provision to require a minimum 3.0 m front yard depth regardless of the adjacent use.

- c) Landscaping, Paving, and Lighting

That Section 13C. (4) and (5) be deleted in their entirety and replaced with a new Section 13C. (4), as follows:

LANDSCAPING, PAVING, AND LIGHTING REQUIREMENTS

- (4) (i) A landscaped area of not less than 3.0 metres (9.84') in width shall be provided and maintained along any highway and public right-of-way, except for the area used for access driveways; (new requirement)
- (ii) An area landscaped with a planting strip of not less than 1.5 metres (4.92') in width shall be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use; (existing requirement)

- (iii) A visual barrier not less than 1.2 metres (3.94') and not more than 2.0 metres (6.56') in height shall be provided and maintained along every side lot line, and rear lot line of a public parking lot which adjoins a residential district and use, except that no visual barrier shall be situated less than 3.0 metres (9.84') in distance from a front lot line; (existing requirement)
 - (iv) All open areas except areas required to be landscaped shall be paved with asphalt or concrete, and so graded or drained as to ensure that surface water will not escape to neighbouring lands; (existing requirement)
 - (v) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected. (existing requirement)
2. That a new section be add to Section 18A of Zoning By-law No. 6593, as follows:

18A. (40) Every public parking lot shall be subject to the provisions of Section 13C.

Public parking lots are permitted as-of-right in several zoning districts. Accordingly, it would be appropriate to introduce a new provision within Section 18A of the zoning by-law to simplify interpretation and standardize requirements pertaining to public parking lots.

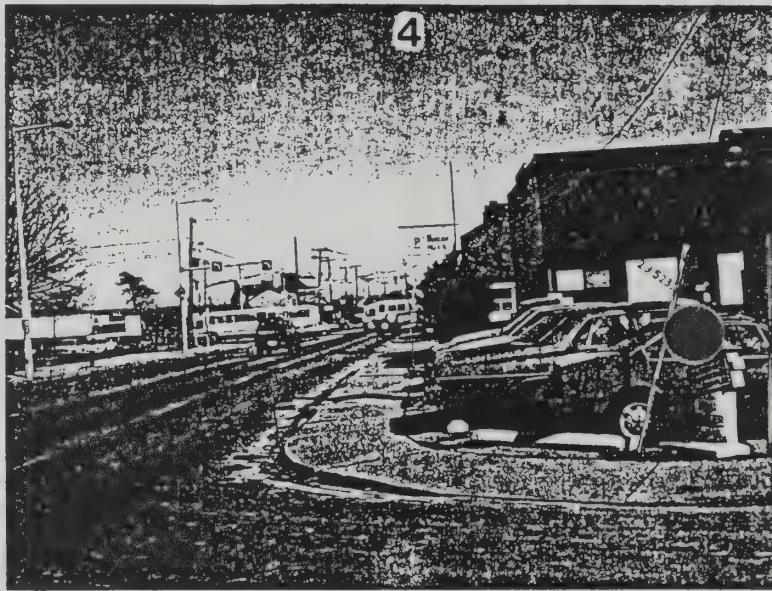
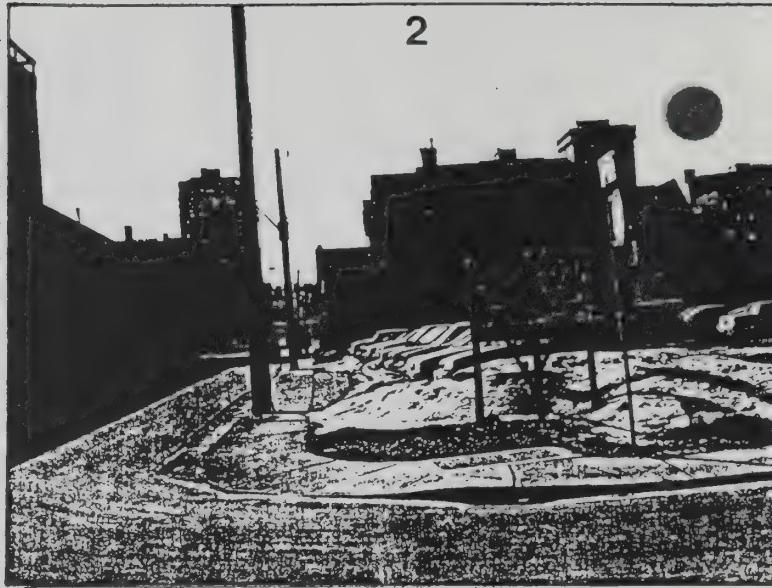
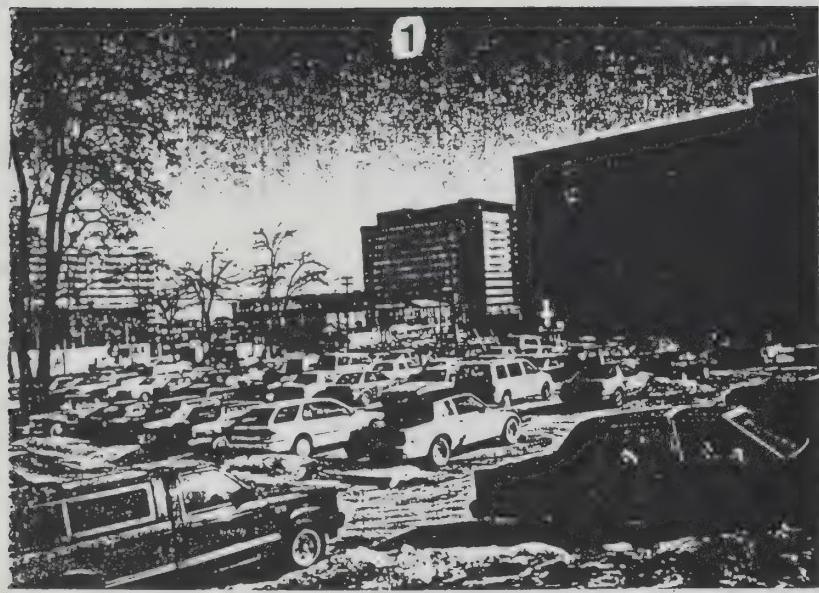
With the exception of item 4 (i), the foregoing regulations are in keeping with existing "G-3" (Public Parking Lots) Districts regulations and have been generally applied for site specific amendments for a public parking lot.

In addition, it is recommended that the Licensing Division of the City Clerks Department be directed to hold in abeyance the issuance of a "Garage D" licence, until there has been confirmation that the applicant has applied for and received Site Plan Approval, where required.

CONCLUSION:

Based on the foregoing, the above-mentioned recommendations should be adopted.

jl/JL
CI91H



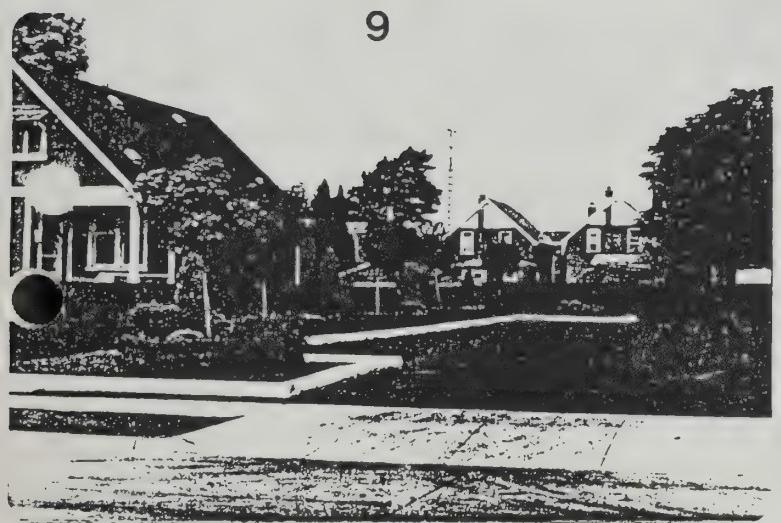
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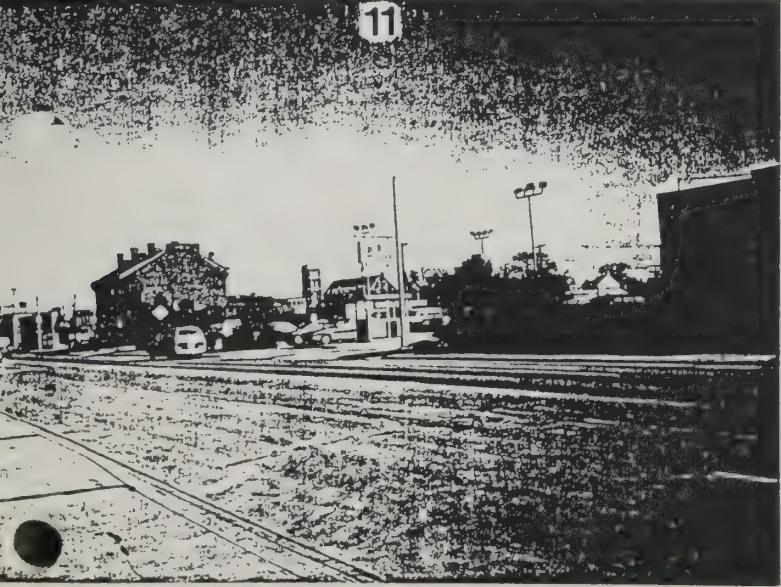
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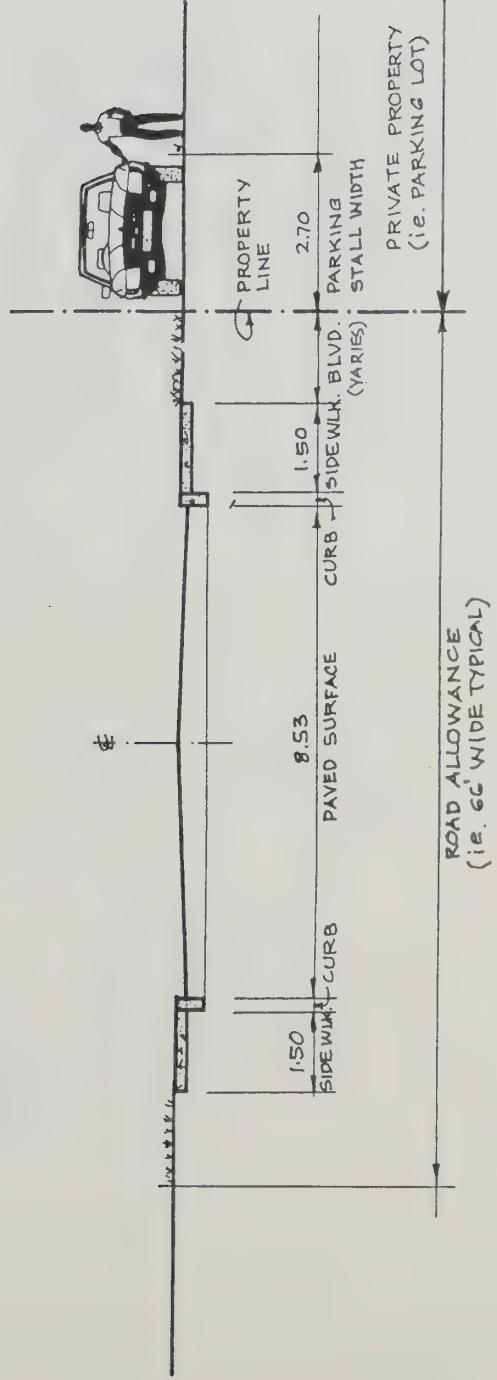


12



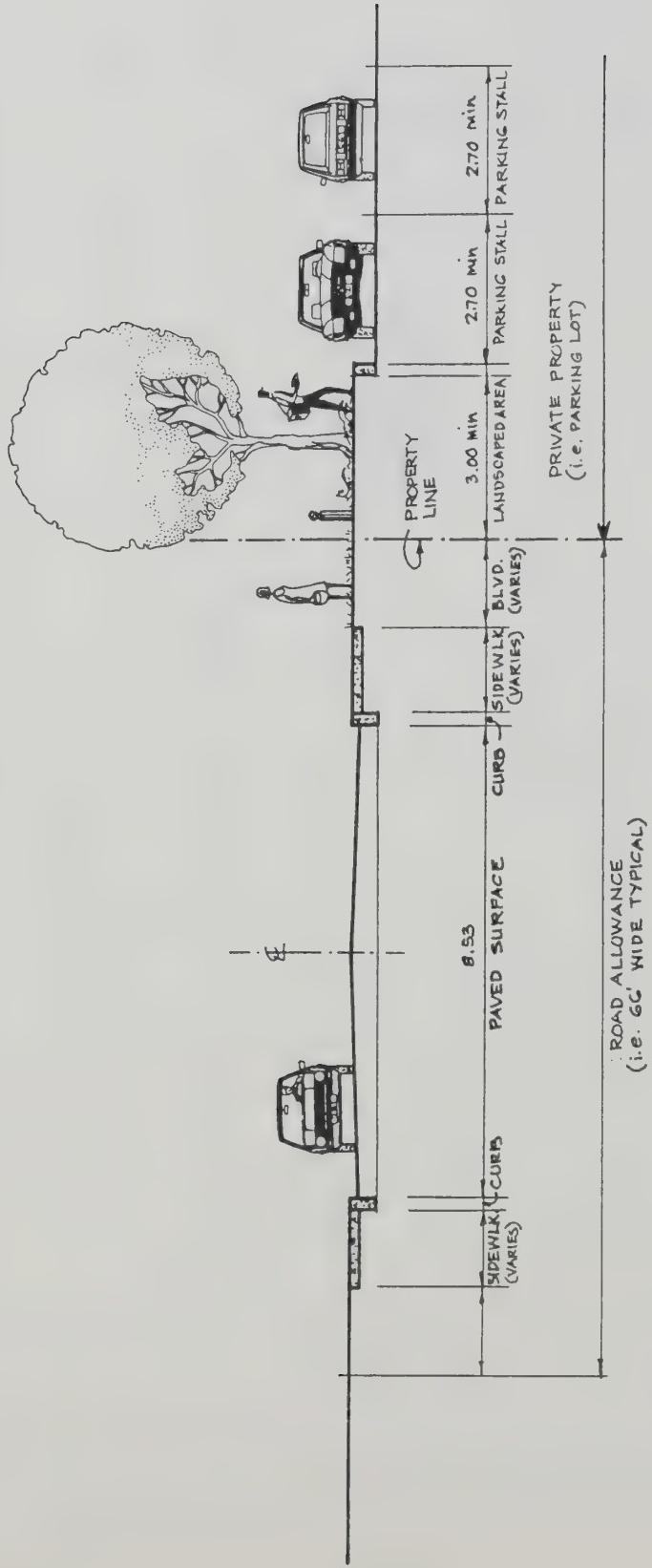
Table 1 - Summary of Regulations pertaining to parking lots from other municipalities

Municipality	Specific Regulations with their Zoning By-law	Setback Requirements	Landscape Requirements	Regulated under Section 40 of Planning Act
Brampton	No	3 m - from road right-of-way.	3 m to be landscaped	Yes
Milton	Yes	0.9 m - from road right-of-way 3.0 m from Residential 1.5 m every other side lot line	Yes, depends on zone. Site and Landscape Plan required.	Yes
London	Yes	3 m from right-of-way. 1.5 m from any other property line, except where joint or continuous.	Yes, in the form of Design Guidelines.	Yes
Oakville	Yes	No specific setback dimension but must be screened from street and adjacent premises.	Yes, parking area must be screened by landscaping next to residential.	Yes
Cambridge	Yes	3 m from road right-of-way	Yes, if under Site Plan Control Landscape Plan required.	Yes, if a structure proposed over 100 S.F.
Burlington	Yes	none	9 m from road right-of-way, to 3 m min. depending on street width	Yes
Ottawa	Yes	none	4 m from any boundary	Yes
Scarborough	none	No specific setbacks adjust to situation, Site Plan Control	Site Plan and Landscape Plan required.	Yes
Etobicoke	none	none	Determined under Development Control, site specific	Yes
North York	Yes	none	none	Yes



TYPICAL CROSS-SECTION - 1
(EXISTING SITUATION)

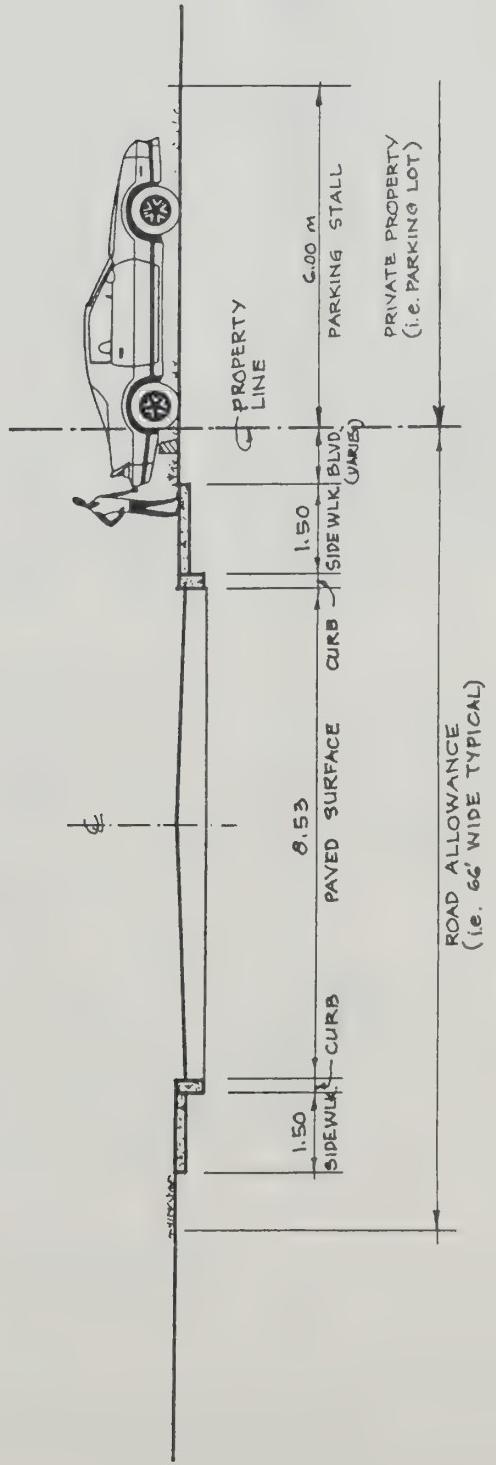
- ILLUSTRATES PHOTO # 5 & # 6
NO LANDSCAPING / BUFFER
NEXT TO ROAD ALLOWANCE



**TYPICAL CROSS -SECTION -3
(PROPOSED SITUATION)**

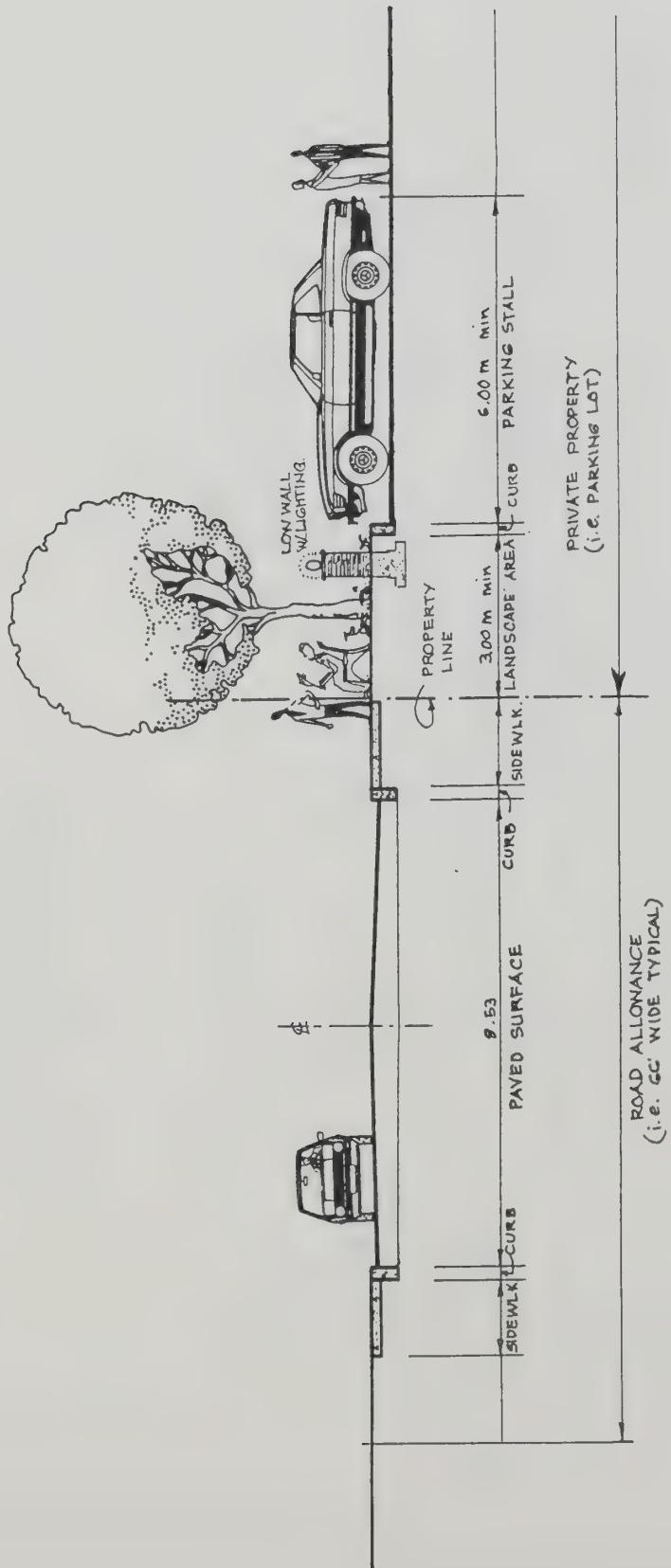
- ILLUSTRATES # 11 & # 12
3.0 MIN LANDSCAPE AREA
NEXT TO ROAD ALLOWANCE

B



TYPICAL CROSS-SECTION - 2
(EXISTING SITUATION)

- ILLUSTRATES PHOTO # 4
ENCROACHMENT INTO ROAD
ALLOWANCE



**TYPICAL CROSS - SECTION - 4
(PROPOSED SITUATION)**

- ILLUSTRATES PHOTO # 7 & # 8
- 3.0 MIN. LANDSCAPE AREA NEXT
NEXT TO ROAD ALLOWANCE
(i.e. TREES, SHRUBS, PAVING, BENCH
SEATING & LOW WALL WITH LIGHTING.

CHAIRMAN:
ALDERMAN VINCE AGRO

MEMBERS
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO



THE PARKING AUTHORITY OF THE CITY OF HAMILTON

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6

PETER G. BAKER
GENERAL MANAGER

TELEPHONE (416) 523-PARK
FAX (416) 523-0878

September 2, 1993

Mr. Joe Lakatos, Planner
Corporation of the City of Hamilton
C/O Planning and Development Department, City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Lakatos:

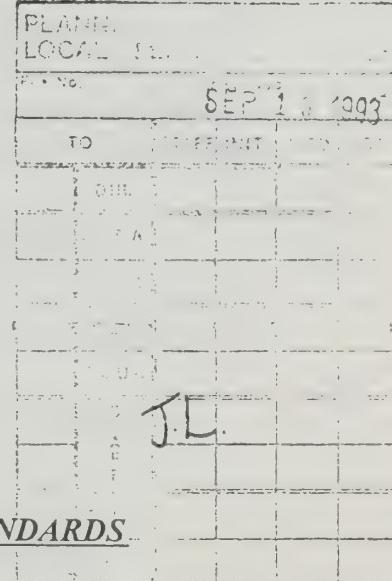
RE: PARKING LOT REGULATIONS AND DESIGN STANDARDS

Having reviewed the proposed revisions of parking lot regulations for the City of Hamilton as set forth in your recommendation dated July 14, 1993, I would submit the following suggestions and/or comments as possible amendments to your document before it is presented to the Planning and Development Committee:

1.0 Landscape Buffer: I recognize the direction your department is taking in this area and appreciate the improved appearance which would result from landscape buffer zones; however, because of the economics of most carpark sites in commercial areas it is not viable to require a consistent three(3) meter landscaped zone where the site fronts on any highway or public right-of-way. Most often this would represent a loss of one line of parked cars and make the difference between a profit or loss. As an alternative, and one which would work well, I would propose a one(1) meter buffer zone.

1.1 Landscape Planting Strip: Usually there is a lack of water anywhere near most commercial carparks which prohibits the successful growth of ground cover. Further, during the winter these areas are commonly piled high with salt-laden snow and slush which tends to destroy most plantings. I would therefore recommend that the landscaped buffer strips be composed of some form of maintenance-free materials; eg interlocking brickwork, with the possible addition of benches or planters in summer weather.

2.0 Carpark Surfaces: The proposed guidelines are calling for surfaces to be constructed from either cement or asphalt. In many instances the carpark may only exist in that form for a few months or a couple of years; and in these cases it is virtually impossible for a parking operator to recover the expense of the cement or asphalt alternatives. I therefore would recommend that a third material, compact granular, be added as an acceptable alternative. This in no way suggests that proper surface maintenance and drainage should be sacrificed.

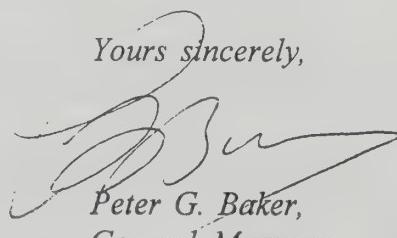


3.0 Retroactive Actions under the By-law: While your proposal clearly states that the revised standards are not retroactive, I would nevertheless request that the by-law includes statements which also cover the following situations: (1) That if there is a change of owners or parking operators on a carpark which had been created before the new standards were enacted, then the new standards would not be triggered by such a change; and also, (2) that if an owner or operator makes any improvements in a carpark which had been created before the new standards were enacted, that those improvements would again not trigger the application of the total by-law.

The Hamilton Parking Authority controls a very large portion of the parking in the City and clearly recognizes its responsibility in making the City as attractive and workable as possible. I would appreciate the opportunity of discussing these matters again with you and your departmental representatives at some time in the very near future.

Thank you for keeping me informed in these matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter G. Baker".

Peter G. Baker,
General Manager

GRINDSTONE PROPERTIES LTD.
P.O.BOX 1120
WATERDOWN, ONTARIO -- LOR 2H0

689-7341

SEP 09 1993

September 7, 1993

The Corporation of the City of Hamilton
Planning Dept.
71 Main St. W.
Hamilton, Ontario
L8N 3T4

BY FAX AND BY MAIL

JL/JK

Attention: Joe Lakatos
City Planner

Dear Mr. Lakatos:

Re: Parking Lot Regulations and Design Standards

Thank you for taking the time to meet with myself, Peter Baker of the Parking Authority, Earl McCausland of Citi Park and Pam Mallard of your office.

The Parking Authority is designed to provide permanent parking in Hamilton as a service to all visitors of Hamilton. Therefore, its design criteria is far different than private operators of parking lots.

Our use is "TEMPORARY" in nature and waiting for a higher and better use.

Parking is an integral part of any retail business and both have a symbiotic relationship. However, we feel, as do the other private operators, that customers do not come to "visit" the parking lot, but rather all the amenities nearby.

We feel that with respect to your proposed regulations:

1. Landscape Buffer is excessive at 3m. As discussed, design of a parking lot is to maximize land use. A 3m buffer would prohibit such design; a 1m buffer would be more tolerable, with site specific designs taking exception to this - those being 90 degree parking butting property lines.

2. Landscape Planting Strip - As we have no water, maintenance and upkeep of a "Green Space" is next to impossible and creation of such would be more detrimental in long term appearance.
3. Carpark Surfaces - As we are "Temporary", the use of compacted granular is and has always been satisfactory and should be added to your design minimums.
4. Retroactive Actions - Existing parking lots, whether currently operating with or without a license, should be exempt. Any alterations or improvements should also not trigger the application of the by-law.

We have been in the Parking business in downtown Hamilton since 1965 and currently manage over 1,000 parking spaces. Our interest and aim is service at a reasonable and Fair Market Price.

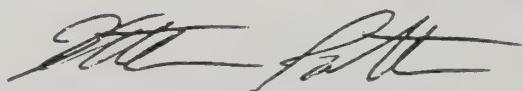
Placing such restrictions on "Temporary" use sites will only further drive up the cost of parking, as well as force people from the downtown core, thereby decreasing the tax base.

We should work collectively towards finding ways to reduce the cost of Parking in order to bring people back to Hamilton.

Should you require any additional information, please contact the writer.

Yours truly,

GRINDSTONE PROPERTIES LTD.



as per:

Greg Fraleigh
President

GF/kp

c.c. Don Drury, Chairman
Planning & Development Committee

Ref: letters\Lakatos.reg



citipark™

September 3, 1993

Mr Joe Lakatos
Planning and Development Department
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mr Lakatos

Re: City Initiative C1-91-H, Review of Parking Lot Regulations and Design Standards.

After further review of the proposed parking lot regulations and my concerns of the astronomical costs involved, I would like to submit the following comments and suggestions as amendments to your recommendations.

Buffer Zone

Please bear in mind that we must pay Real Estate and business taxes on the total square footage of the property, therefore we must maximize the area to justify staying in business. In most cases a 3 metre landscaped area would prohibit the use of a viable parking lot where as a staggered buffer zone not exceeding 1 metre should be suffice.

Landscape Planting Strip

In areas where landscaping is feasible I would recommend the use of maintenance free material only due to the lack of on site facilities required to maintain successful natural plantings. Also natural plantings tend to deteriorate due to salt-laden snow etc. piled in these areas when the streets, sidewalks and parking areas are plowed during the winter months.

Parking Area Surfaces

I believe it to be imperative that compact granular also be added as an alternative when a carpark is created for a temporary period.

Retroactive clause

I would recommend that parking lots currently in business should not be required to comply with any new standards simply because they change ownership or decide to make alterations to their property.

.../2.

CITIPARK INC.

92 King Street East, Suite 250, Hamilton, Ontario L8N 1A9 (416) 525-1403
GST #R100976786

Citipark Inc. owns and or controls over 3000 parking spaces in the City of Hamilton today and has been a major tax payer in the City for over 40 years. Although we recognize the City's concerns we must however caution you that it is very difficult to justify major expenditures in a declining business.

CITIPARK

Thank You



Earl McCausland
Hamilton and District Manager

cc: Mr Victor Boksen
Manager-Northcentral Region

EM/pr

Chambers & Company

Realtor: Est. 1911

Union Gas Building

P.O. Box 895 - Stn. LCD-1, Hamilton, Ont.

Telephone: (416) 525-5991

Limited

20 Hughson St.South

L8N 3P6

Telefax: (416) 521-8981

September 30, 1993

The Corporation of the City of Hamilton
Planning and Development Department
71 Main St. West
Hamilton, Ontario
L8N 3T4

PLANNING & DEVELOPMENT		LOCAL PLANNING
FIL NO.	067 04 1993	
TO	STAFF UNIT	REC'D BY
CC:	PLANNING	
RR&A		
ENVIRON		
DEV.		
E.B.U.D.		
S.T.A.F.	J.L.	
C.R.Z.		
ADVISORY		

Attention: Mr. J. Lakatos

Dear Sir:

Re: Review of Parking Lot Regulations and Design Standards

We are opposed to the proposal that will require a minimum 3 metre landscaped strip along any highway or right-of-way regardless of zoning district. We believe this to be an excessive requirement contrary to the best interests of the City, particularly with respect to downtown areas. Our objections are based on the following reasons:

1. The loss of useable parking area will be detrimental to merchants and businesses.
2. The landscaped strip will be required along both a street frontage and along a rear laneway. Laneways are a common characteristic of older business neighbourhoods. Thus, if for example, the new regulations were applied to the City lot at the southwest corner of Hughson Street and Main Street East it would be wrapped on three sides by a 3 metre landscaped strip. We submit this is excessive. The requirement for a landscape strip along a laneway is nothing short of ludicrous.
3. Many downtown lots are relatively small. The loss of 3 metres of productive revenue generating land, conceivably on two or three sides, would mitigate against the creation of future parking facilities. It could also result in existing lots (if any existing lots are affected) losing from 10% - 20% of their parking spaces.

4. Downtown lots represent very harsh growing conditions. Lots are typically subject to high winds, high summer temperatures, low moisture levels, high road salt pollution and high vandalism levels. Thus, landscaped areas are unlikely to be maintained successfully even with the best of intentions.

There is no indication in Planning Department reports whether these regulations will be applied to existing lots. We strenuously oppose any retroactive implementation.

It is also worthy of observation that by reducing the useable area of a parking lot the assessment, and therefore tax potential, is likewise diminished.

In closing, we note the new city parking lot on the Bay-King Motors site does not have a 3 metre landscaped strip. It is curious that one department of local government deems advisable what another department has rejected.

Yours very truly,

CHAMBERS & COMPANY LIMITED



Peter G. Thoem
PGT:jr

HAMILTON CAR PARKS LIMITED

SUITE 914 105 MAIN STREET EAST HAMILTON, ONTARIO L8N 1G6

TELEPHONE: 522-3932

OCT 05 1993

The Corporation of The
City of Hamilton
Planning Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. Joe Lakatos

Dear Sir:

RE: Your File #C1-91-H
Proposed New Regulations for Public Parking Lots

We have perused the proposed general text amendment of Zoning By-Law No. 6593 which purports to introduce new regulations for public parking lots with a great deal of concern for the future viability of parking lots in the City of Hamilton.

One of our main concerns deals with the fact that if the proposed amendment is enacted, certain potential parking lot locations will lose whatever economic value they have as a parking lot because of the required side yards and landscape planting strips. The effect of the amendment could reduce the useable portion of these potential lots by 20' of its width as well as 20' along its length. A 60' lot, for example, would be of no use whatsoever whereas today it would be capable of being utilized.

As you are aware, many public parking lots are created for a temporary period, pending rezoning and development. To be required to pave such a lot would create an irrecoverable cost because of the relatively short term involved. We would suggest that a compact granular surface be permitted under these circumstances.

Because of the nature of our business it is imperative that our lots be free and clear of ice and snow as soon as practicable after a winter storm. As a result we find it necessary to engage the use of salt or other chemicals which, when mixed with snow and ice piled in the required landscaped areas, will foster deterioration and destruction of the plants therein located.

HAMILTON CAR PARKS LIMITED

SUITE 914 105 MAIN STREET EAST HAMILTON, ONTARIO L8N 1G6

-2-
TELEPHONE: 522-3932

Finally, we are native Hamiltonians and have carried on public parking lot businesses in this City for many decades. We have worked diligently to make a success of our business and will resist vigorously any proposed changes which will tend to reduce the value of our business. It must be understood that if these amendments are adopted they should have no effect upon presently operating public parking lots, whether they are operated by present owners or new ownership. In addition, we would suggest that the amendments not have any bearing whatsoever if alterations are contemplated to be made to these public parking lots.

We shall be in attendance at the meeting to be held on October 20, 1992 so that we may discuss this matter further.

Yours truly,

Hamilton Car Parks Limited

Morris Leibtag

Morris Leibtag

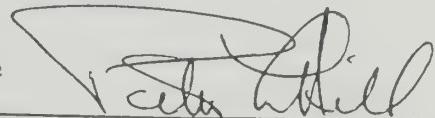
URBAN DESIGN COMMITTEE

a Subcommittee of the Planning and Development Committee
c/o Planning Department, City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

July 21, 1993

To: Alderman Don Drury, Chairman,
Planning and Development Committee

From: Peter L. Hill
Chairman, Urban Design Committee



Your Urban Design Sub-committee has met and reviewed the proposed amendments to the existing By-law regarding parking lots.

Our understanding from the material provided to us is that there are several aims to the changes proposed:

1. to reduce large expanses of uninterrupted gravel or asphalt
2. to improve buffering to other adjacent uses , including residential uses
3. to indicate landscaping requirements in addition to those for separation
4. to reduce infringement of vehicles into pedestrian areas
5. to improve the area available for enhancement.

Members of the Urban Design Committee do have some concerns about the proposed changes and also about what is not being recommended for change or addition.

Particularly, we notice that the issue of personal safety has not been addressed. For example, under the changes for lighting requirements (which one might consider useful in assisting in safety), no mention is made of personal safety - only for the need not to shine light into adjacent properties.

Similarly, the provision of parking easements for the disabled has not been addressed, and I believe that the current By-law does not mention any requirement in this regard.

These two examples indicate to your Urban Design Committee members that a more thorough review needs to be made prior to making any changes at all.

I shall not go into other details at this time but rather make a recommendation that this matter be allowed more time for review and that the review include representatives of those involved in the parking business in Hamilton in the review process. During this review, your Urban Design committee will be pleased to discuss some of the more detailed concerns which it has.

RITLYN INVESTMENTS LTD.
136 Wilson St., Hamilton, Ont, L8R 1E2
522-1066

June 21, 1993

Mr. J. Lakatos
Planning and Development Department
71 Main Street West
Hamilton, Ont L8N 3T4

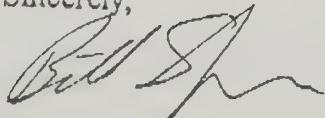
Dear Mr. Lakatos:

Re: Review of Parking Lot Regulations and Design Standards, File: #CI-91-H

Thank you for requesting our comments on the proposed Parking Lot regulations. We support the goals of the regulation for new and temporary parking lots. They will go a long way towards improving the aesthetics of our city.

I would like to suggest that the committee also address the issue of enforcement, particularly for current non-compliant parking lots. Under what circumstances should current owners be forced to upgrade their property? The committee should take into account that for current owners enforcement of the new regulations would be an additional tax in an already depressed and highly taxed economy.

Sincerely,



William J. Shapiro, P.Eng., M.B.A.
General Manager

Lynda Morris Management Services Limited

Urban Safety Consultants

95 Amelia Street, Hamilton Ontario L8P 2V3

416 - 522-0990

July 8, 1993

Joe Lakatos, Planning Dept
City of Hamilton
City Hall
Hamilton Ontario
L8N 3T4

Dear Mr. Lakatos:

RE: Proposed new regulations for public parking lots

Parking lots are areas that people, especially women find frightening at night.

Specific responses to the regulations:

1. People can hide and sexual assault can occur when a visual barrier of even two feet is provided. The visual barrier of four to six feet is too high.
2. Deflecting light away from residential lands is appropriate, but lighting issues have to be further addressed, such as recommendations for the minimum amount of lighting, lighting uniformity and locations that are lit have to be addressed.
3. There is a need to encourage the maintenance of development of natural surveillance opportunities surrounding the surface parking lot.

There are many other issues that can be addressed to increase personal safety on parking lots.

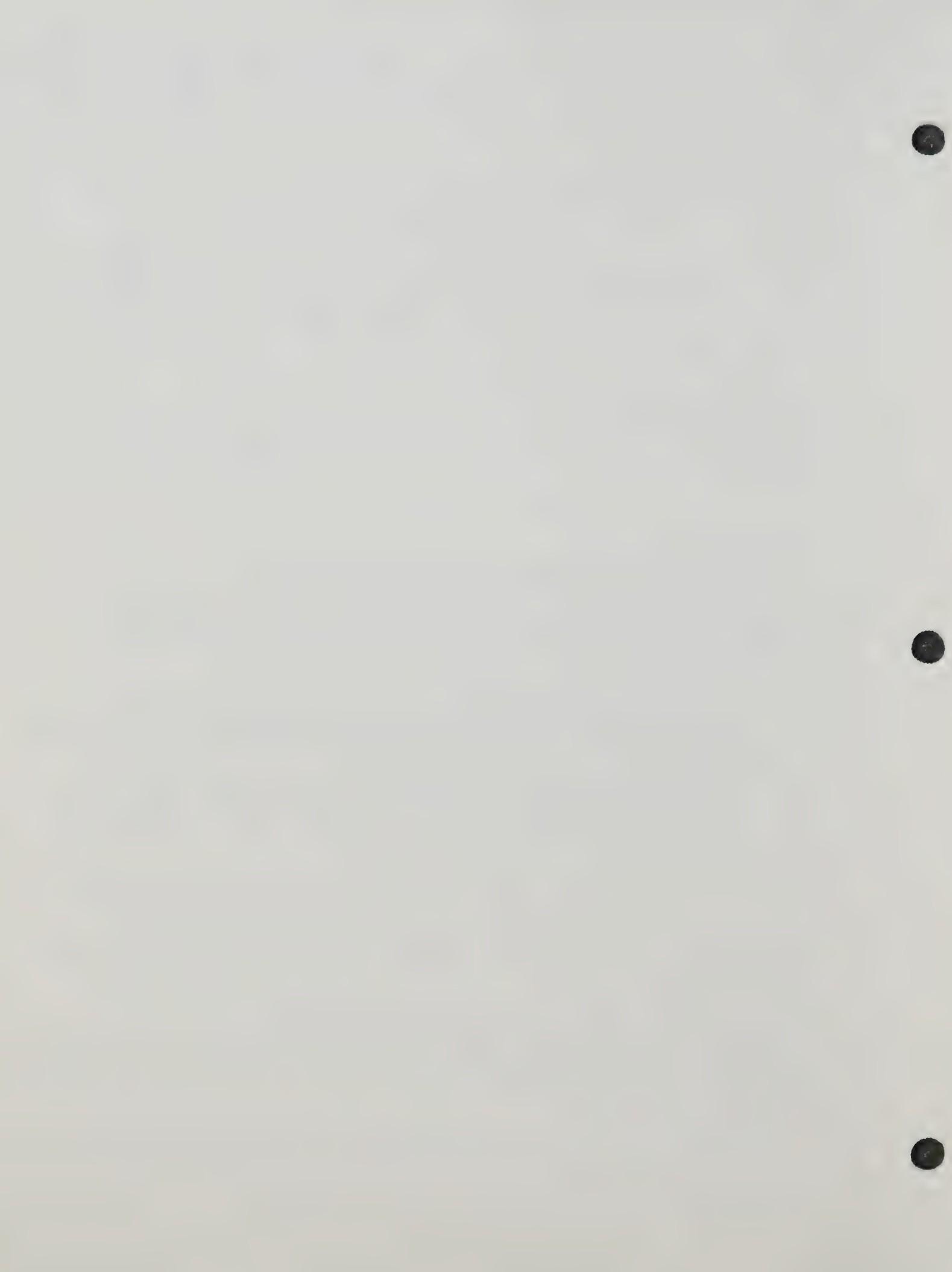
My company is in the process of developing recommendations for safer underground parking for the Local Planning Dept in Hamilton. I would be pleased to develop a project proposal for a further project that would flow naturally from my current project and would look at personal safety issues on surface parking lots.

Yours truly

L. Morris

Lynda Morris, B.A. P.H.Ec.
President

cc Victor Abraham
cc Don Drury





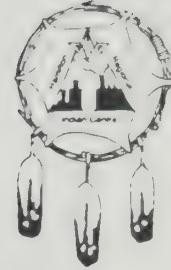
Hamilton Regional Indian Centre

712 Main Street E.

Hamilton, Ontario

L8M 1K8

(416) 548-9593 Fax (416) 545-4077



4

September 28, 1993

Executive Director
Cathy Staats

Ms. Tina Agnello
Planning & Development
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED

OCT 04 1993

CITY CLERKS

Dear Tina:

Joanne McCallum, Architect would like to make a presentation at the Planning and Development Meeting scheduled for October 20, 1993.

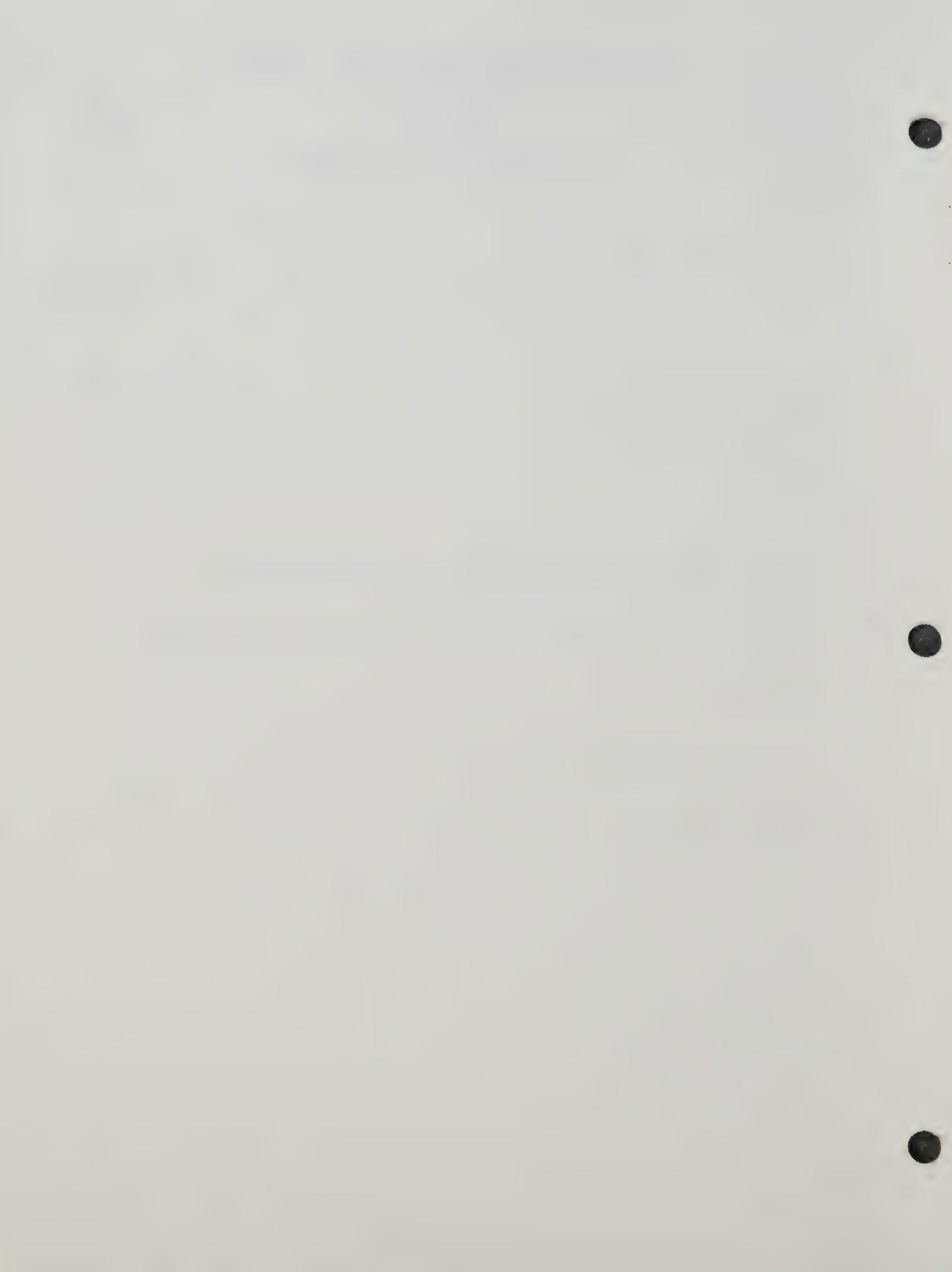
Please add this to your agenda re: 712 Main Street East, Hamilton.

Sincerely,

Marie Kachmarsky

Marie Kachmarsky
Building Consultant

MK:ss



5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: October 6, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

FROM: L.C. King, P.Eng.
Building Commissioner

OCT 6 1993

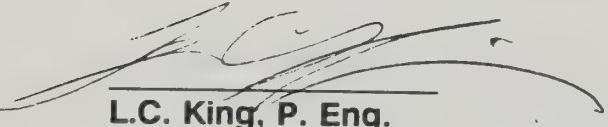
SUBJECT: HAMILTON DISABLED PROGRAMME (93.2.3.2.1.A)

CITY CLERKS

RECOMMENDATION:

That the Hamilton Disabled Programme be amended to provide grants of up to 50% of the costs of accessibility work to a maximum of \$5,000.

That eligible funding projects include accessibility modifications for properties not eligible under the Provincial Government's Ontario Home Renewal-Disabled. This would include lodging homes, rental units, nursing homes, churches, day care centres, etc..


L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Hamilton established a municipally funded rehabilitation programme for disabled owner/occupants of single family residential homes. The funding was

used to make the home accessible for any disabled occupant. The programme provided maximum grants of \$2,500 with another \$2,500 registered as a Lien on Title. In the event the property was sold, the repayable portion was repaid to the City at zero per cent interest.

In 1987 the provincial government announced funding for a new programme which addressed the same issues by providing grants of up to \$15,000 for homeowners with incomes of less than \$45,000, and reduced grants for families with incomes up to \$60,000. The Department, for obvious reasons, uses the provincial programme whenever possible, not only to provide the maximum assistance, but also to help preserve the municipal fund. The result is that we presently have a disabled fund of approximately \$150,000 which could be put to good use in encouraging accessibility in areas where the Provincial programme can not be applied. This would include non owner occupied units as well as requests from churches, restaurants, professional offices, non profits, etc.. These various groups often want to provide access, but need some financial help.

As a result of these inquiries and the determination there is a need has resulted in the Department's recommendations. If approved, the Department will be processing two immediate request for assistance; one from Yeshiva of Hamilton for a special lift, and one from Rygiel Homes. In both cases, the owners have indicated a willingness to share in the cost. We also have two other requests for assistance; one from St. Timothy's Anglican Church, and one from a Brownie Pack which want to make access their meeting room for one of their disabled members. They are prepared to raise funds privately for the balance.

In order to encourage joint partnerships, and to stretch the available dollars, the Department is recommending that the expanded programme provide a grant of 50% of the costs to a maximum of \$5,000. The Department would also submit reports with recommendations on each application to the Planning and Development Committee and City Council. The status of the account would also be provided in each report.

In the event the Provincial Programme called "Access" is refunded, or the OHRP-D Programme is expanded to include these types of uses, we will of course advise the Committee accordingly.

CITY OF HAMILTON

- RECOMMENDATION -

6.

DATE: October 12, 1993
(TC-CAP(F))

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P. Eng.
Chief Administrative Officer

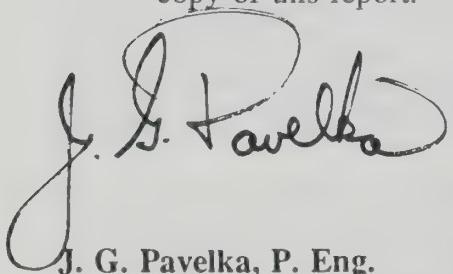
SUBJECT: Proposed GO Transit Victoria Avenue Layover Yard
- Clarification Regarding City Council Position

RECOMMENDATIONS:

1. That the previous Council resolution approved on July 27, 1993 as follows be rescinded:
 - (a) That the Minister of Environment be requested to direct GO Transit to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
 - (b) That GO Transit be requested to seek authorization from the Ministry of the Environment to undertake a full environmental assessment of all alternative sites for the proposed layover yard for the Hamilton GO Centre;
 - (c) That the Ministry of the Environment and GO Transit be requested to hold in abeyance the decision regarding the Victoria Avenue layover yard until such time as the full Environmental Assessment is completed for all sites;
 - (d) That the City advise GO Transit and the Ministry of the Environment that the City remains otherwise committed to the expansion of the GO Transit service to Hamilton.
2. That the City advise GO Transit and the Ministry of the Environment that:
 - i) A complete review of all alternative sites for the proposed layover yard for the Hamilton GO Transit Centre be undertaken by GO Transit, with full consultation with the City of Hamilton and affected landowners and residents;
 - ii) The decision regarding the Victoria Avenue layover yard be held in abeyance until such time as this complete review is finalized; and,

- iii) The City remains otherwise committed to the expansion of GO Transit service to Hamilton.

- 3. That the Minister of the Environment, GO Transit, and each area MPP be provided with a copy of this report.



J. G. Pavelka, P. Eng.
Chief Administrative Officer



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The expansion of GO Transit service to Hamilton includes the restoration and renovation of the Hunter Street train station, as an intermodal train/bus terminal, and the gradual expansion of GO train service. The proposed Victoria Avenue Layover Yard was identified by GO Transit as a site for overnight storage for their trains. This yard is located east of Victoria Avenue, south of Alanson Street, north of Charlton Avenue, extending easterly almost to Wentworth Street (see attached map).

The November 1989 Environmental Assessment Report identified the recommended locations for the GO Transit terminal and the layover yard, as well as other related improvements.

Concerns have been expressed about the impacts of a GO Transit train layover yard at the Victoria Avenue site. These include the noise levels, type and duration of noise; the scale of the 6 metre high noise wall proposed adjacent to existing homes, and related shadow-casting; loss of Escarpment views; the inadequate size of the yard; and general incompatibility with the residential area. It was recommended that alternative sites should be considered and studied in detail.

These concerns were the subject of a report to the Planning and Development Committee dated July 7, 1993 from the Advisory Committee on GO Transit, and a report dated July 15, 1993 from J. Pavelka, C.A.O. These reports were considered by the Committee at their meeting of July 22, 1993. As a result, City Council at its meeting of July 27, 1993, approved the above-noted resolution.

Subsequent discussions between the City and GO Transit indicate some need for clarification of the City's position on this matter. GO Transit is concerned that the City wishes a full Environmental Assessment to be carried out for all alternative sites for the proposed layover yard, as defined by the M.O.E. and the Environmental Assessment Act. This was not the intent of the resolution adopted by Council in July, 1993.

COMMENTS:

The City recognizes that an Environmental Assessment was carried out for the Hamilton GO Train Service Expansion Program, as documented in the November, 1989 E.A. Report. This detailed evaluation process resulted in the decision to locate the terminal at the Hunter Street Station, and the layover yard at Victoria Avenue.

There is no intent at this time to re-visit the decision regarding the terminal location. However, the location of the layover yard for storage of trains is a matter which would appear to be worthy of further study, due to the concerns associated with the proposed Victoria Avenue yard, as outlined in the reports to Planning and Development Committee mentioned earlier.

The process for this requested further study of the layover yard is not the full Environmental Assessment process, as defined by the Ministry of the Environment. Rather, what is requested is a thorough evaluation of all feasible alternatives, including but not limited to the Victoria Avenue yard; the Kinnear yard, between Wentworth Avenue and Gage Park; the yard near Forest Avenue; and other possible storage yard locations within and outside of Hamilton.

This evaluation of alternative layover yard sites should consider various factors, and especially those which are of concern for the proposed Victoria Avenue yard, such as:

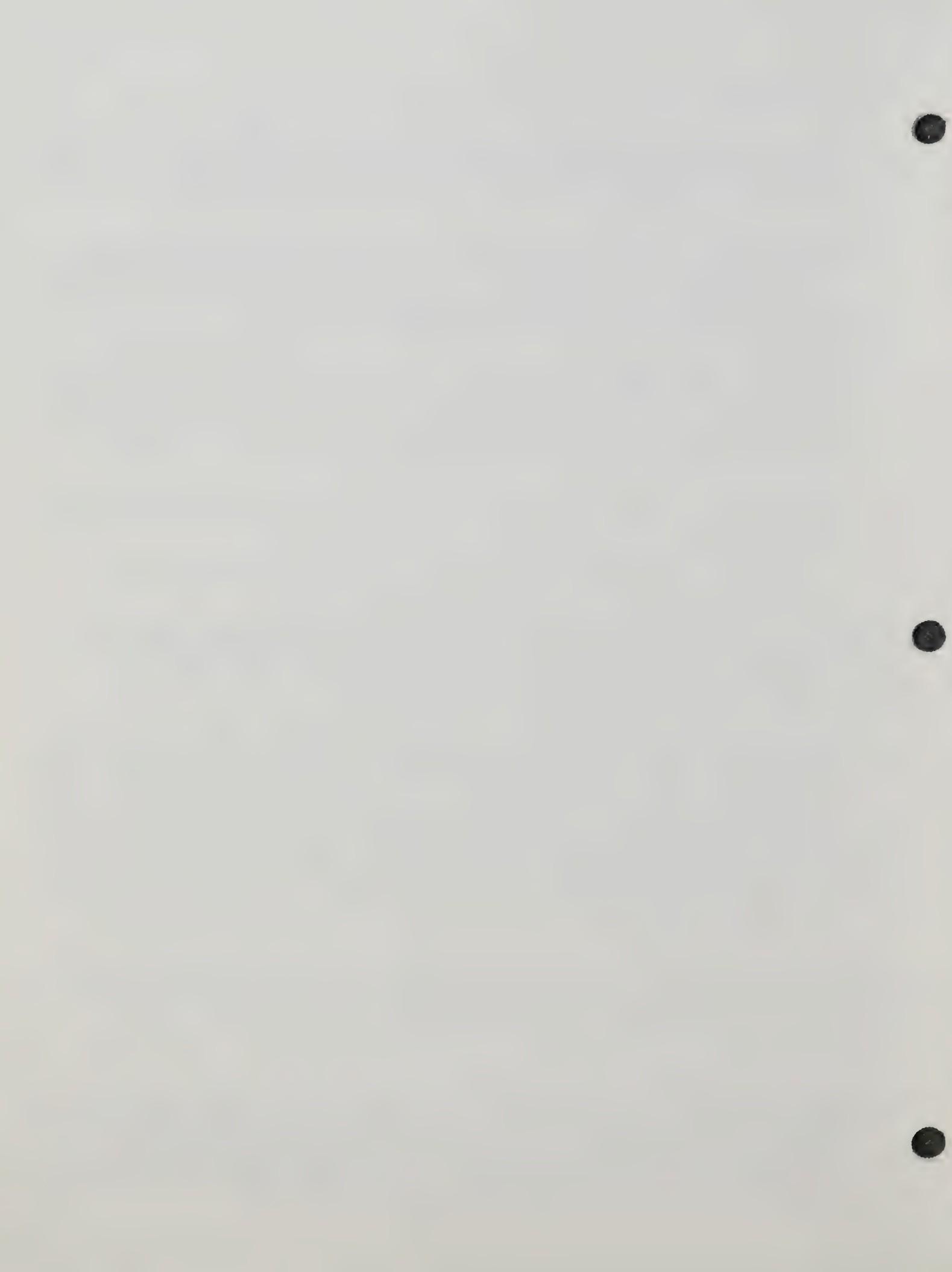
- noise levels, type and duration of noise, increase from existing levels;
- measures to mitigate noise and views, such as noise walls, and their impacts;
- micro-climate impacts of the proposed 6 m (20 ft) noise barrier;
- views of the Escarpment and other features; shadow-casting on properties;
- compatibility with residential areas, and impacts on adjacent residential and other uses;
- capability of site to accommodate the desired number and size of trains; and,
- other factors as may be considered relevant to each site.

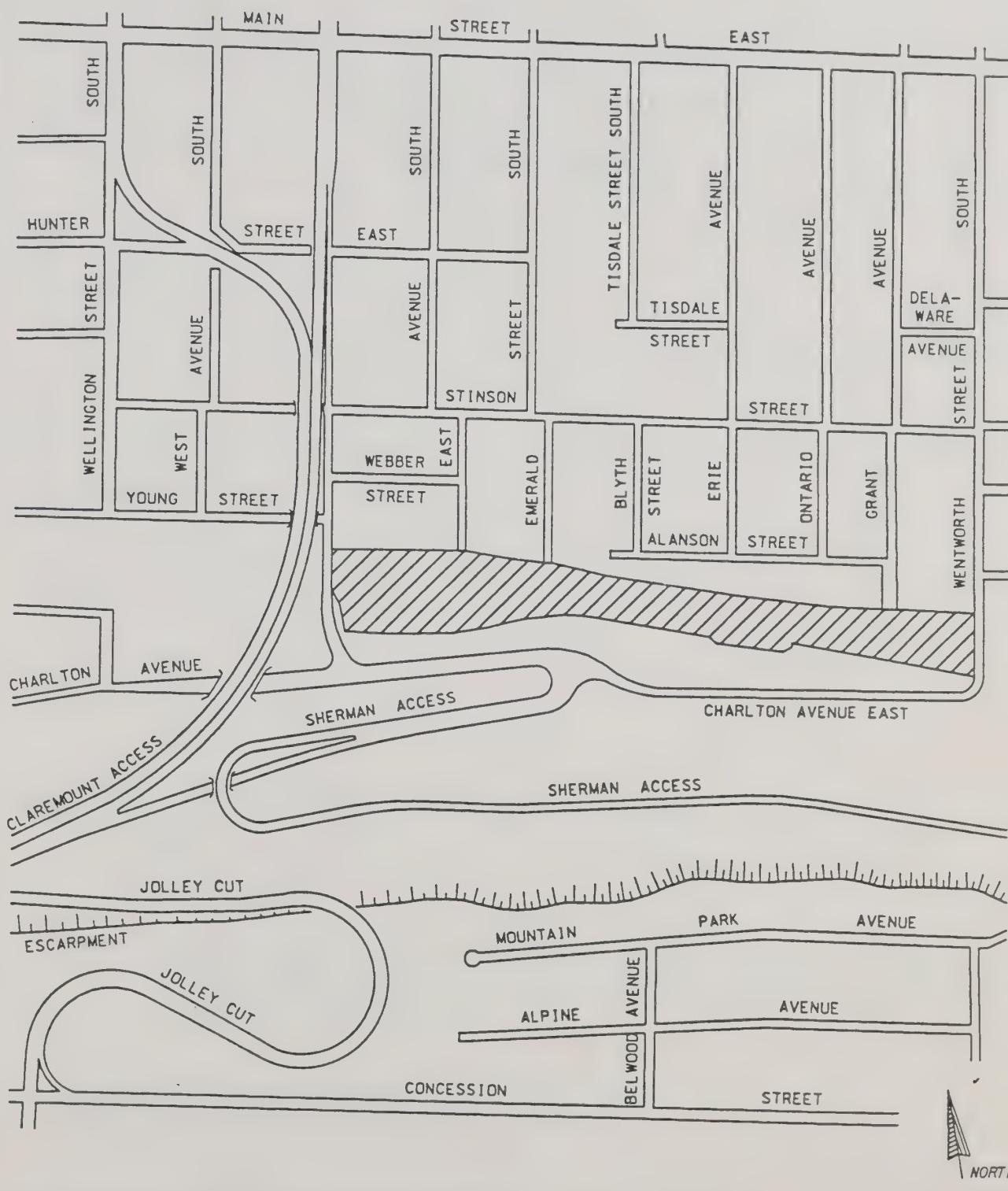
The most suitable site for the layover yard should be selected based on such a thorough review which considers compatibility with surrounding uses. If necessary, storage of trains at the Willowbrook Yard in the Toronto area, or other available sites, could be done until such time as the study is complete. The City is concerned that the introduction of the proposed Victoria Avenue yard, and the associated noise mitigation measures, create undesirable impacts for the adjoining residential areas. GO Transit staff have noted that, if the situation were reversed in that the yard preceded the homes in the area, the existing homes could not be built. Therefore, the City of Hamilton is requesting that all sites for the proposed layover yard be reviewed in light of the concerns and criteria included in this report.

As has been noted, the City remains otherwise committed to the expansion of GO Transit service to Hamilton. It is felt that a review of alternative sites for the layover yard would not jeopardize the overall program, but would rather enhance the committed service expansion.

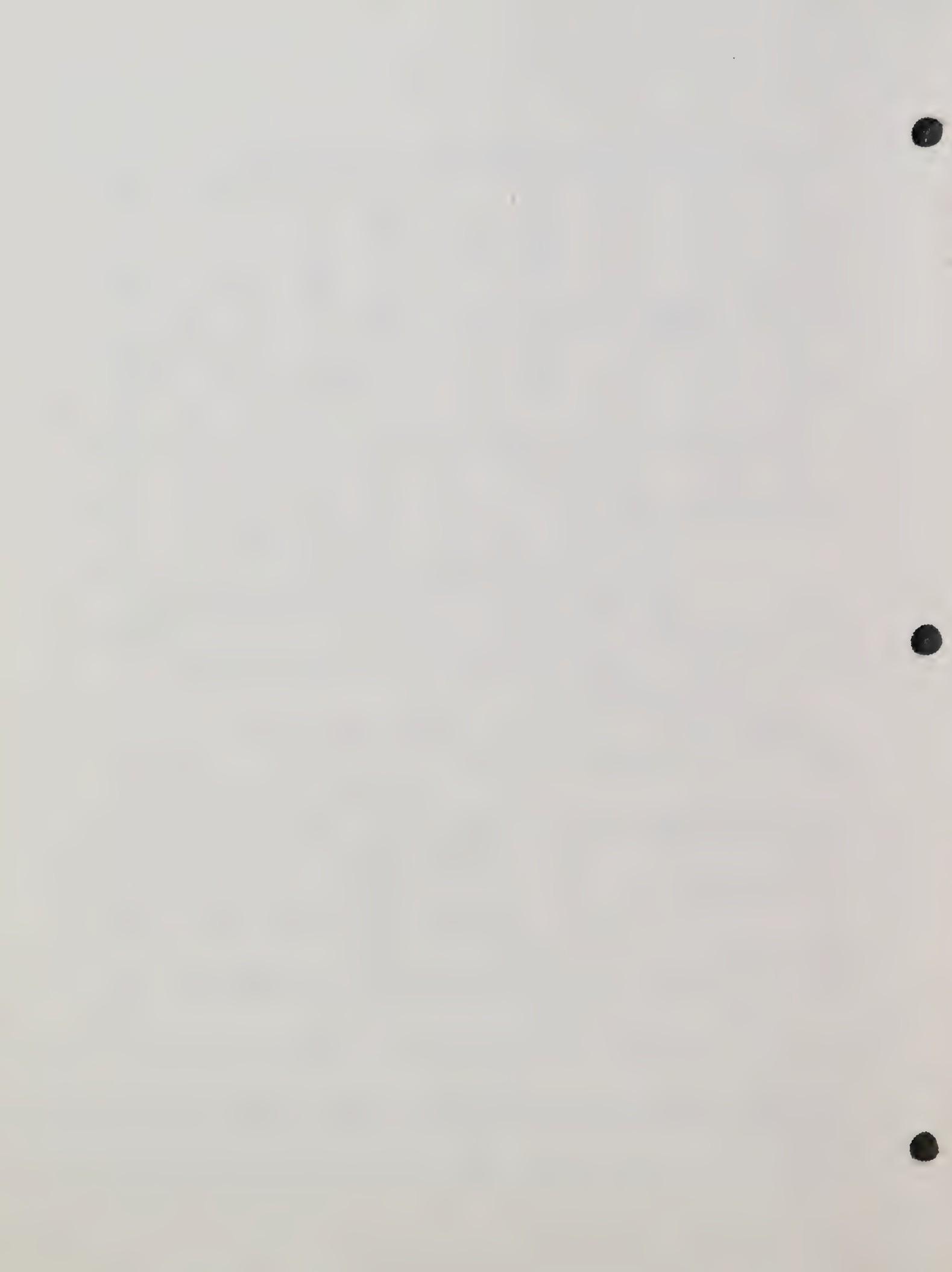
CONCLUSION:

The 1989 Environmental Assessment Report for the expansion of GO Transit service to Hamilton did not address the issues regarding the layover yard identified in this report. As the yard may have significant impacts on any adjoining developed areas, it is appropriate, at this time, to ensure that the location of the yard, and its site development, are thoroughly reviewed. The City of Hamilton would be pleased to assist GO Transit in carrying out this review.





PROPOSED GO TRANSIT LAYOVER YARD SITE



PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 OCTOBER 20

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee meeting of 1993 October 6

B. BUILDING COMMISSIONER

Demolition Permits:

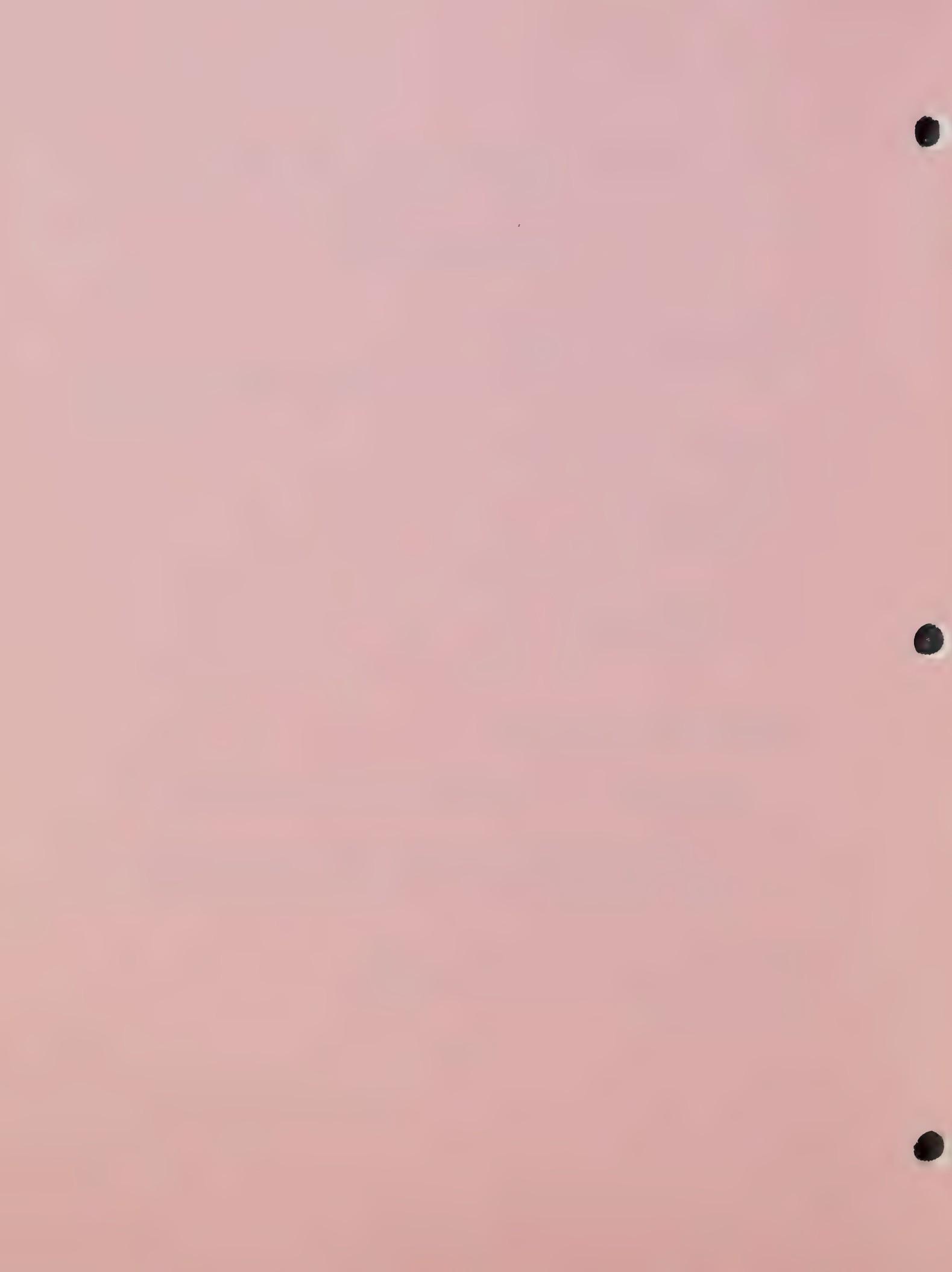
- a) 757 West 5th Street
- b) 795 West 5th Street
- c) 68 Chipman Avenue

C. DIRECTOR OF PUBLIC WORKS

- (a) Barton Street Business Improvement Area (B.I.A.) - Revised Board of Management
- (b) Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Housing Intensification (PRIDE H.I.N.T) - Revised Implementation Plan

D. SECRETARY, PLANNING AND DEVELOPMENT

Information Items



**Wednesday, 1993 October 13
9:30 o'clock a.m.
Room 233, City Hall**

A.

The Planning and Development Committee met

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman D. Wilson
Alderman M. Kiss
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico
Alderman Wm. McCulloch

Regrets: Mayor Robert M. Morrow (City Business)

Also Present: Alderman D. Ross
J. Pavelka, Chief Administrative Officer
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Mary-Lou Tanner, Planning Department
Roland Karl, Traffic Department
Murray Main, Traffic Department
Peter Lampman, Building Department
John Sakala, Planning Department
Eugene Chajka, Roads Department
Susan K. Reeder, Acting Secretary

1. Zoning Application 93-24, W. Heck, owner, for a further modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, for property located at Nos. 305 and 307 Main Street West; Kirkendall North Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 September 29th respecting the above-noted matter.

The Committee was also in receipt of a letter from Lawrence Belisario, 303 Main Street West in opposition to the application.

Mr. Mallard of the Planning Department outlined the zoning application and its intent and with respect to the circularization indicated that 397 notices had been sent and that 18 of the responses were in favour and 21 opposed.

Mr. John Arian and Sergio Mandia of Planning Initiatives Company and Mr. W. Heck owner of the property were in attendance to speak to this zoning application.

Mr. Arian spoke to the Committee and addressed the concerns of the neighbours to the east with respect to the parking situation and Mr. Belisario's concerns that the new proposed construction would be very close to his house.

Following discussion on this matter the Committee approved the following:

That approval be given to amended Zoning Application 93-24, Mr. W. Heck, owner, requesting a further modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District regulations, to permit a 3 storey - 5 unit mixed commercial/residential

building, for property located at Nos. 305 and 307 Main Street West, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593, as amended by By-Law No. 73-303, applicable to the subject lands, be further modified to include the following variances as special requirements:
- i. Notwithstanding Section 10.(1) of Zoning By-law No. 6593, a multiple dwelling containing a maximum of five (5) dwelling units shall be permitted, and two (2) ground floor dwelling units may be converted to one or more of the following uses, provided that the maximum gross floor area of each unit shall not exceed 96 m²:
 1. Commercial Uses:
 - (i) Professional Office or Business Office, excluding a Medical and Dental Office;
 - (ii) Photographer's Studio, Artist's Studio;
 - (iii) Barber Shop, Hairdressing Establishment, Beauty Parlour;
 - (iv) Tailor Shop, Dressmaking Establishment.
 2. Commercial Boutique Type Uses:
 - (i) Music and Record Shop;
 - (ii) Gift Shop;
 - (iii) Art Gallery;
 - (iv) Retail Book Store;
 - (v) Wearing Apparel Shop, Millinery Shop.
 3. The following accessory use to the commercial uses permitted under paragraphs 1. and 2. of sub-clause b):
 - (i) one ground sign or wall sign or projecting sign.
 - ii. That Sections 10.(3)(i) and (3)(ii) of Zoning By-law No. 6593 shall not apply;
 - iii. That a minimum of five (5) parking spaces shall be provided and maintained on-site;
 - iv. Notwithstanding Section 18A(7) of Zoning By-law No. 6593, the required parking spaces shall have a minimum length of 5.8 m;
 - v. Notwithstanding Sections 18A(11)(a) and (12)(a) of Zoning By-law No. 6593, a minimum 0.6 m wide landscape planting strip shall be provided and maintained along the easterly and

- westerly lot lines of the parking area, and a minimum 1.0 m wide landscape planting strip shall be provided and maintained along the southerly lot line;
- vi. Notwithstanding Section 18A, Table 6, the required manoeuvring space aisle width for a required parking space shall be a minimum of 5.8 m.
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1316, and that the subject lands on Zoning District Maps W-12 and W-13 be notated S-1316;
 - (c) That the City be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-12 and W-13 for presentation to City Council: and,
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: Alderman Kiss opposed.

2. COMMISSIONER OF PLANNING AND DEVELOPMENT

+ 15 Pedestrian Walkways

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 September 29 respecting the above noted matter.

Mary-Lou Tanner of the Planning Department outlined the + 15 Pedestrian Walkway Plan.

The session then opened to the public meeting and the first speaker was Mr. Constantine Takas, owner of a block of property on King Street West.

Mr. Takas spoke to the Committee and indicated that he doesn't see the bridges servicing a lot of people and that they are not greatly used however he fears that if they are cancelled that this could adversely affect all of the properties in the downtown area.

Mr. Jim Milligan, representative of Jackson Square spoke to the Committee. He indicated that Jackson Square would like to see future bridge proposals cancelled since they do not go anywhere and are a detriment. He indicated that they are expensive to build and maintain and that they are deterrent to developing areas where bridges are proposed. He feels that the by-law should be amended to delete this requirement.

Following the public presentation on this issue, the Committee then discussed the merits of the + 15 Pedestrian Walkways. Comparisons were made to other major Cities like Edmonton, Toronto and Winnipeg that use this type of system, and some members of the Committee felt that Hamilton is different in that it is not a two level City. A question was raised on the status of the proposed C.I.B.C. bridge, and Dave Powers of the Law Department advised that the Agreement with C.I.B.C. does not specify a time requirement for a bridge construction, but rather leaves it open to be constructed at an appropriate time for development. Discussion also ensued on the purposes for the bridges, and it was the view of the Committee that the bridges should service the entire downtown core and not just Jackson Square.

Some members of the Committee were of the opinion that the Official Plan policies respecting +15 Pedestrian Walkways should be cancelled now as they serve no purpose, and other members believed that no action should be taken at this point, but that it should be reviewed in a few years time.

Following discussion on this issue, the Committee approved the following:

- (a) That the report of the Commissioner of Planning and Development dated 1993 September 29th respecting +15 Pedestrian Walkways be received for information purposes and no action taken; and,
- (b) That the Official Plan Policy respecting +15 Pedestrian Walkways be reviewed in two years time to determine whether the plan is still relevant

3. **PREVIOUSLY TABLED SITE PLAN**

Site Plan Application DA-93-14 (DA-31-35), Grindstone Properties Ltd., lessee, of lands at 18-24 James Street South; Central Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 September 28 respecting the above-noted matter.

Alderman F. D'Amico declared a conflict of interest in this matter since the mortgage is held by Royal Bank and he is an employee of Royal Bank. Alderman D'Amico then left the room.

Mr. John Sakala of the Planning Department outlined the site plan control application and some discussion then ensued.

It was noted that the staff recommendation for this application was to **deny** it for the following reasons.

- (a) The introduction of an access driveway from James Street South would be out of character with the Gore Park precinct; and,
- (b) The interruption of a pedestrian walkway by motorized vehicles is undesirable in the downtown core where alternate access is readily available.

Following discussion on this matter the Committee agreed that they would **approve** site plan control application DA-93-14 to amend approved plans of DA-91-35 for a parking lot, on lands at 18-24 James Street South to include a temporary access from James Street South.

Note: Alderman Wilson and Alderman Drury opposed.

4. **PREVIOUSLY TABLED - ALDERMAN D. AGOSTINO - Swimming Pool Pumps, Heaters and Filtering Equipment**

Report from the Building Commissioner

The Committee was in receipt of correspondence from Alderman Agostino dated 1993 August 23 requesting the Committee's consideration on amending the City's by-law 77-224 requiring that pumps and filters for swimming pools be five metres from the rear and front property line and 2.4 metres from the side property line.

The Committee was also in receipt of a report from the Building Commissioner

dated 1993 September 16 recommending that the Planning and Building Departments be directed to prepare a report on this issue.

Following discussion on this matter it was agreed that staff be requested to report back to the Committee in consultation with industry representative and the Noise Control Officer on whether consideration should be given to amending the City's Zoning By-law respecting swimming pool pumps, heaters and filtering equipment.

5. **CONSENT AGENDA**

The Committee was in receipt of its Consent Agenda and approved the following:

A. **ADOPTION OF THE MINUTES**

The Committee was in receipt of the minutes of its meeting held Wednesday, 1993 September 22 and approved these minutes as circulated.

B. **SECRETARY, LACAC**

St. Clair Avenue Heritage District Advisory Committee - Appointment of Members

The Committee was in receipt of a report from the Secretary of LACAC dated 1993 September 22 respecting the above noted matter.

The Committee approved the following:

That the following residents of the St. Clair Heritage District be appointed to serve on the St. Clair Heritage Advisory Committee

- (a) Donald Quick, 129 St. Clair Avenue
- (b) Zigmunt Cwierzinski, 131 St. Clair Avenue
- (c) John Mokrycke (representing LACAC)

C. **BUILDING COMMISSIONER**

(a) **Demolition Permits:**

- **1328 Upper Wellington Street and 70 Chestnut Avenue**

The Committee was in receipt of reports from the Building Commissioner dated 1993 September 28 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following:

- (a) 1328 Upper Wellington Street
- (b) 70 Chestnut Avenue

(b) **Commercial Loan Programme - 326 Ottawa Street North**

The Committee was in receipt of a report from the Building Commissioner dated 1993 September 30 respecting the above-noted matter and the Committee approved the following:

That a Commercial Loan in the amount of fifteen thousand dollars (\$15,000.) be approved for Mary Elisabeth Keir and Michael Allen Keir. The interest rate will be 2 7/8 per cent amortized over 10 years.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT**Application to remove part-lot control from Lots 2-30 inclusive, "Rymal Square Estates, Phase IV", Subdivision**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1993 September 22 respecting the above-noted matter and approved the following:

- (a) That the request of Mark A. Scholes, Solicitor for Rymal Square Development Inc. (Arthur Weisz, President), to remove part-lot control from Lots 2-30, inclusive, "Rymal Square Estates, Phase IV" plan of subdivision, 62M-743, be approved; and,
- (b) That following enactment of the enabling by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- (c) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

E. SECRETARY, PLANNING AND DEVELOPMENT**Information Items**

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1993 September 29 respecting Information Items.

The Committee approved the following:

That the following information item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Commissioner of Planning and Development - Site Plans for Approval dated 1993 September 29

6. OTHER BUSINESS

The Chairperson of the Committee gave reference to a letter recently received and distributed to all members of the Committee respecting the Thistle Club. The Chairperson indicated that this matter will be discussed at a future meeting.

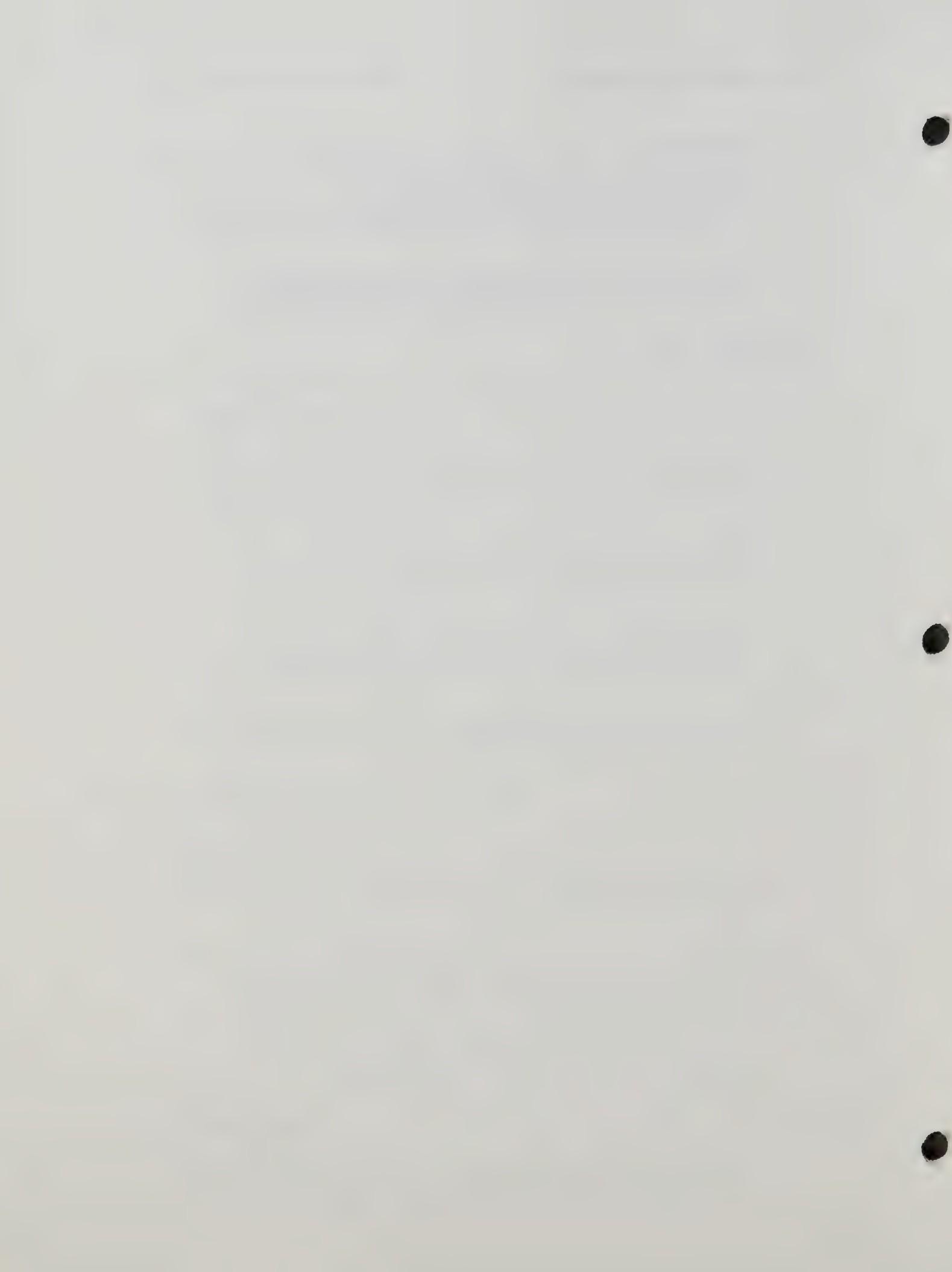
7. ADJOURNMENT.

There being no further business the meeting then adjourned.

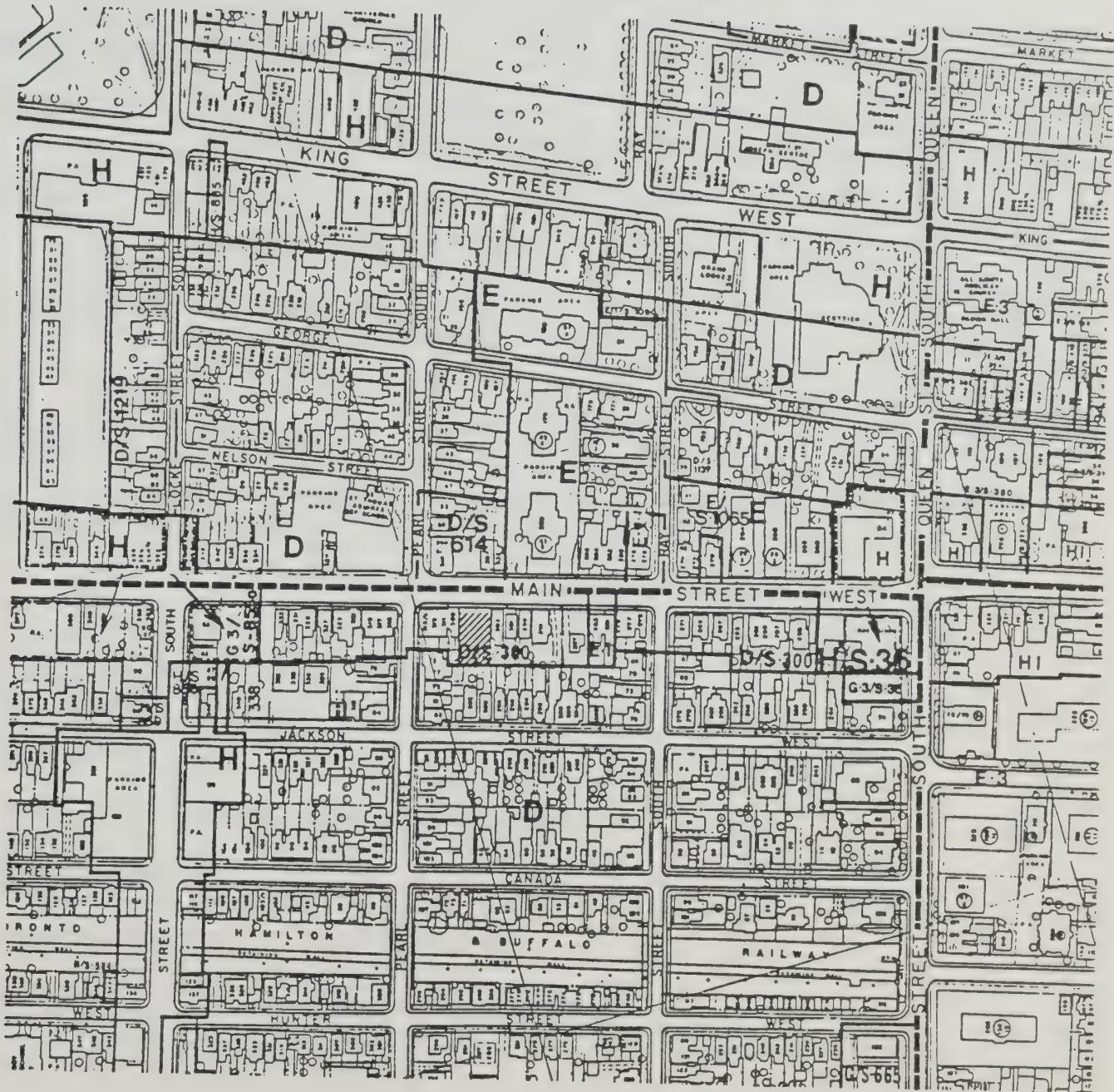
TAKEN AS READ AND APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Acting Secretary
1993 October 6



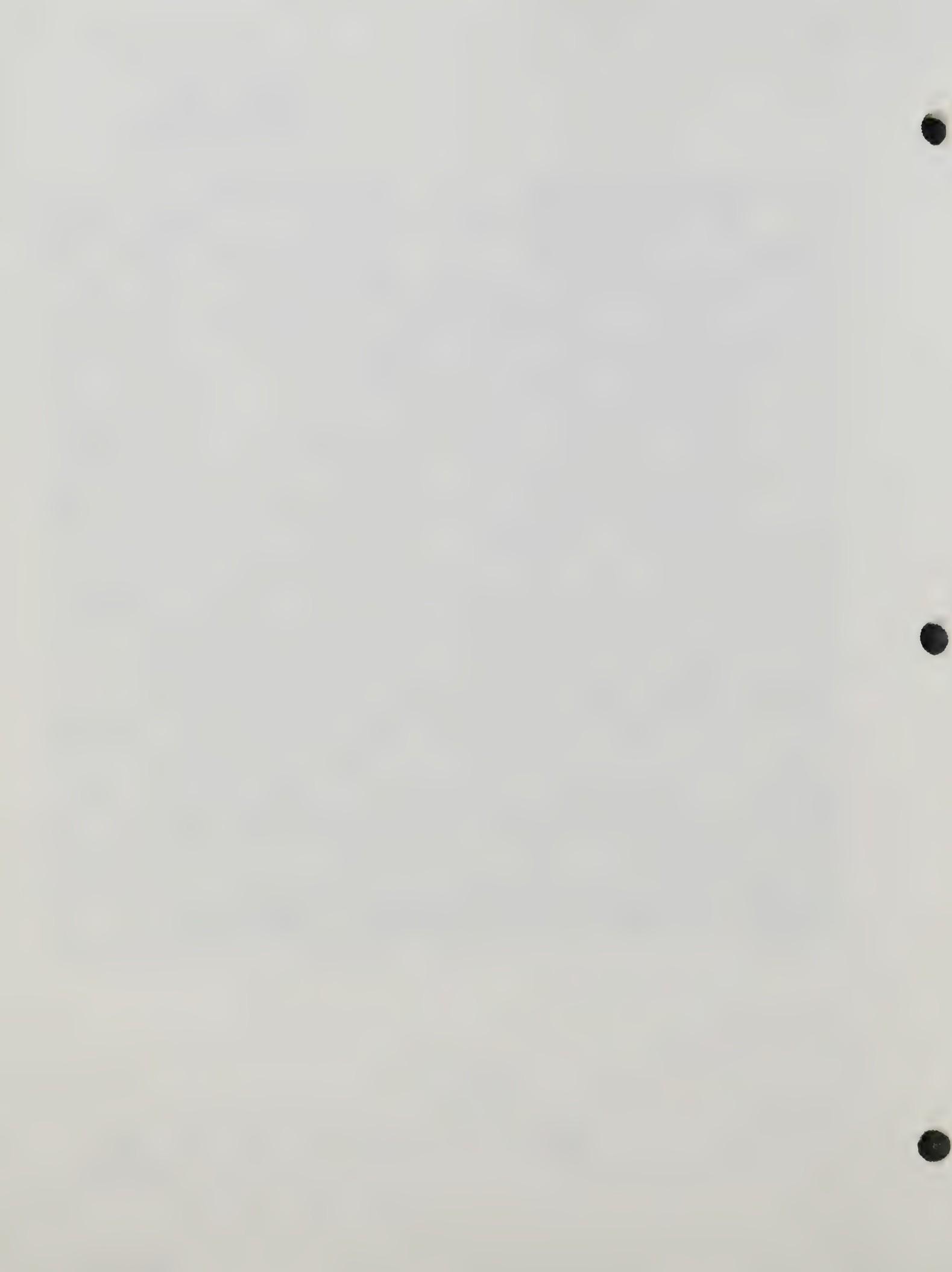
**Appendix "A" as referred
to in Section 1 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 October 6**



Legend

Site of the Application

ZAC-93-24



CITY OF HAMILTON

Ba)

- RECOMMENDATION -

DATE: October 12, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

OCT 12 1993

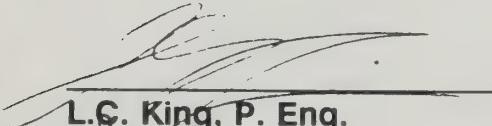
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
757 WEST 5TH STREET
(93.1.1.A)

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
757 WEST 5TH STREET.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

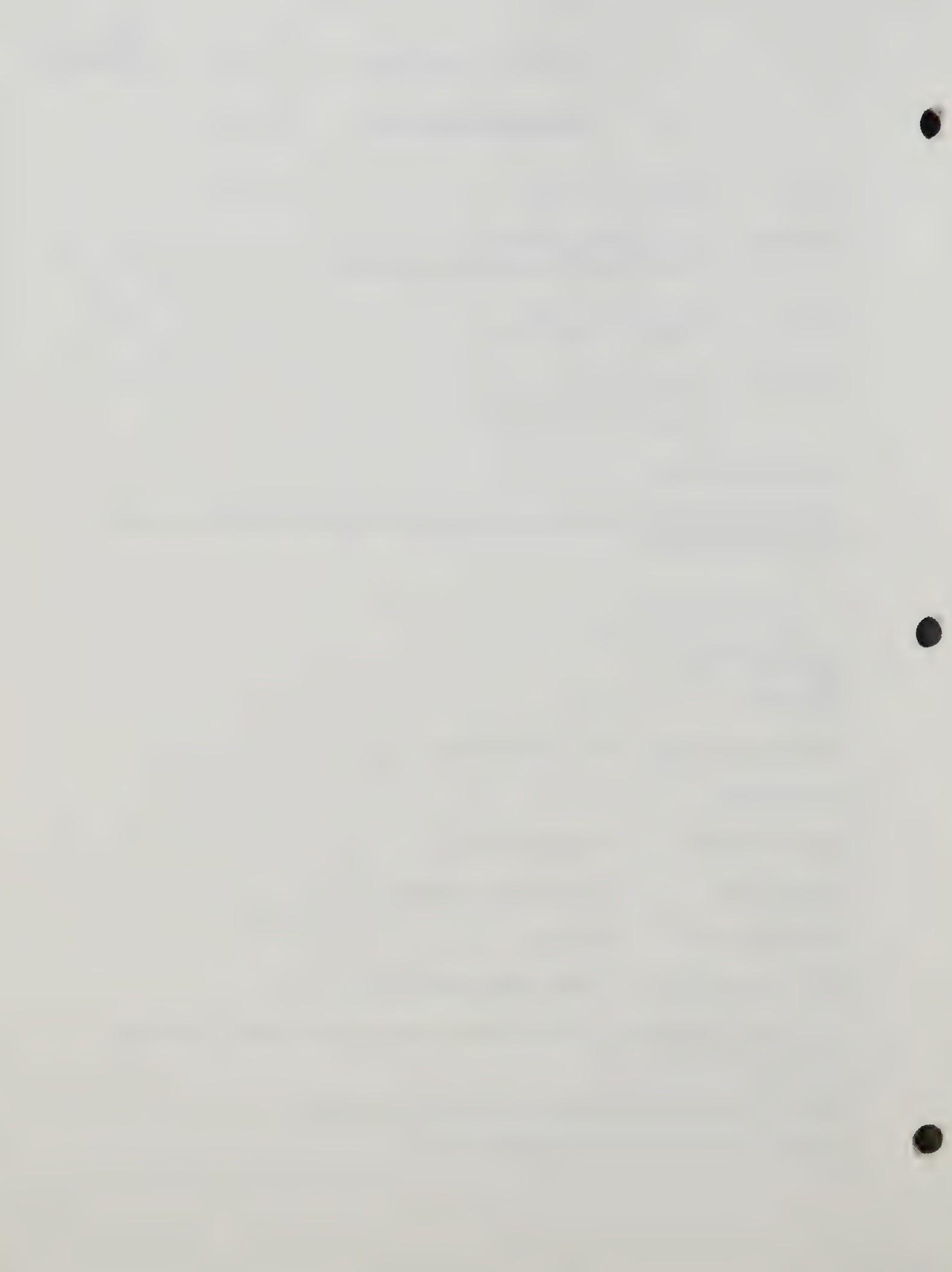
PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey brick veneer house

Demolish house which is in the required area for the freeway. No LACAC interest. Lot size 40' x 122'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



B6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: October 12, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
795 WEST 5TH STREET
(93.1.1.A)

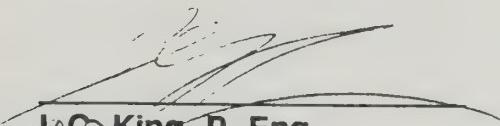
RECEIVED

OCT 4 1993

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
795 WEST 5TH STREET.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

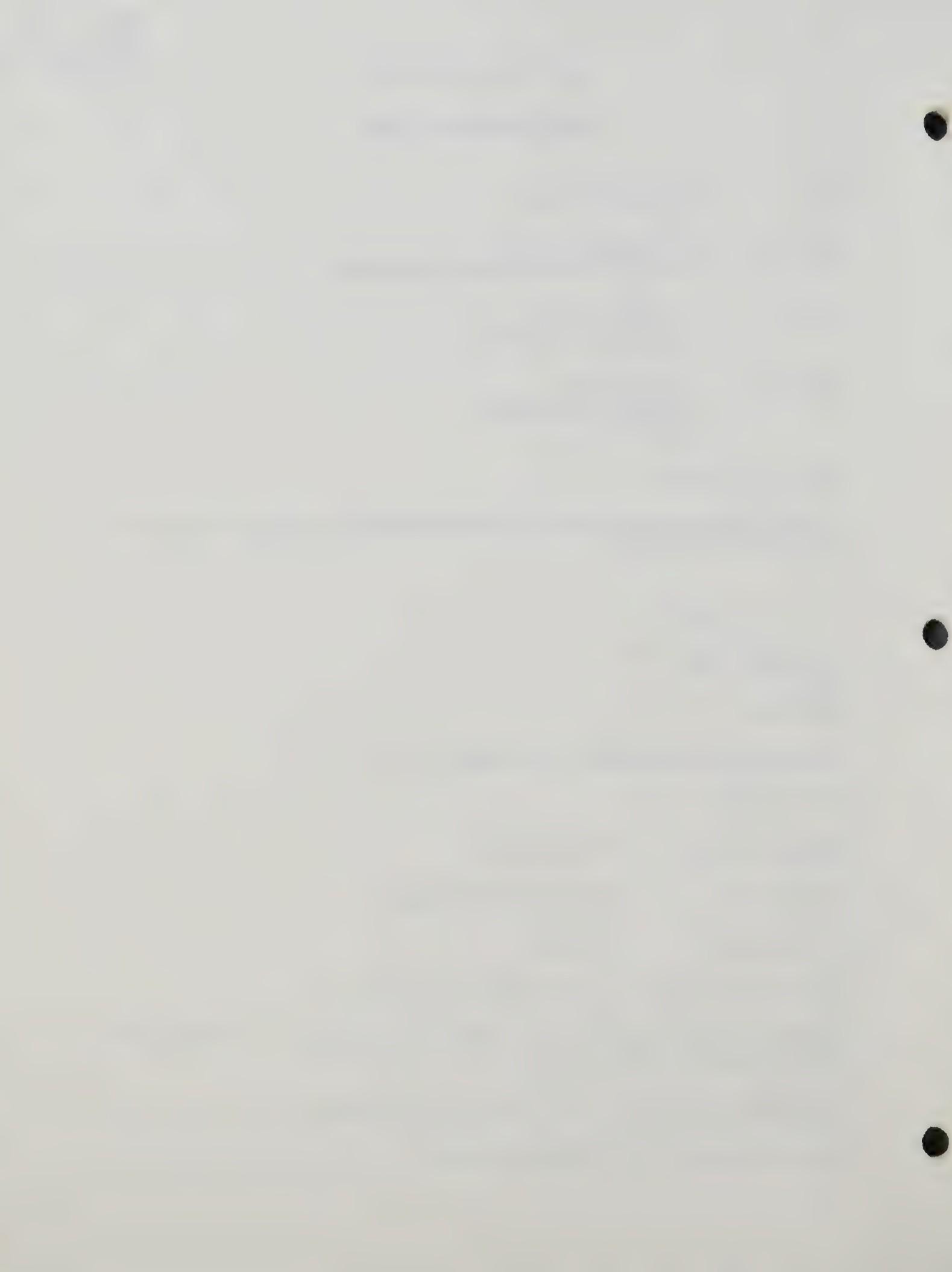
PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey brick veneer house

Demolish 1 storey house which is in the required area for the freeway. No
LACAC interest. Lot size 96' x 115'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth



CITY OF HAMILTON

Bc)

- RECOMMENDATION -

DATE: October 12, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

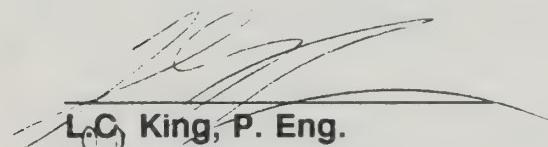
FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
68 CHIPMAN AVENUE - Tag Number 90511
(93.1.1.A)

CITY CLERKS

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
68 CHIPMAN AVENUE.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

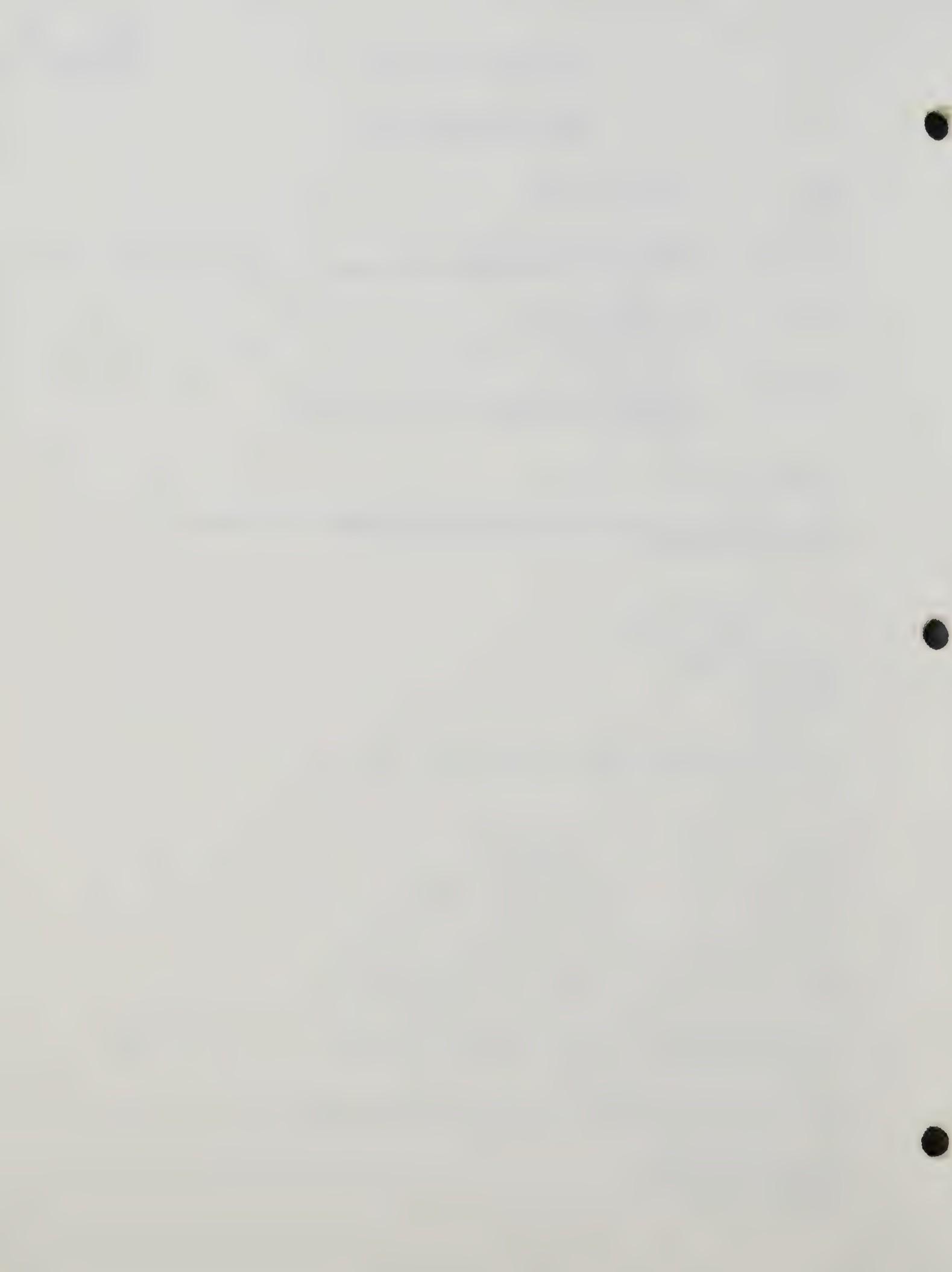
PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey wood frame house

Owner wishes to demolish the existing house and build a new one. No LACAC interest. Lot size 100' x 153'.

The owner of the property as per the demolition permit is:

Martha Jean Edwards
68 Chipman Avenue
Hamilton, Ontario



Ca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 September 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECOMMENDED

FROM: Mr. D. Lobo
Director of Public Works

RECOMMENDED

CITY CLERKS

SUBJECT: Barton Street Business Improvement Area
(B.I.A.) - Revised Board of Management.

RECOMMENDATION:

- a) That By-law No. 92-079 appointing the Barton Street B.I.A. Board of Management be amended to delete the following names:

Fabio Chiappetta	Your Bakery
Paul Hamburg	Creations Pastry Shop
Rob Brooker	Gas Tank King
Ann Coward	Angelo's Place
Ron Stewart	Bank of Montreal
John Stassis	Dr. Carburetor

- b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Barton Street Business Improvement Area:

Bernie Rouff	Rouff's Eatery and Sports
Lori Stokes	Silvestri's Paradise of Flowers
Janice Robinson	Royal Bank

- c) That the City Solicitor be authorized and directed to amend By-law No. 92-079 pursuant to (a) and (b) above.

D. Lobo
D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Barton Street B.I.A. held its Board of Management meeting on 1993 August 18, at which time the above members were appointed to the Board of Management to fill vacant positions on the Board. This will bring the total number of Board members to nine.

HM:hm

c.c. Ms. P. Noe Johnson, City Solicitor, Law Department
Att: Mr. A. Zuidema, Solicitor

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

RECEIVED

1880

FROM: Mr. D. Lobo
Director of Public Works

CITY CLERKS

SUBJECT: Central/Beasley Programme for Renewal, Improvement,
Development and Economic Revitalization - Housing
Intensification (PRIDE H.INT.) - Revised
Implementation Plan.

RECOMMENDATION:

- a) That, the originally approved Implementation Plan for the Central/Beasley PRIDE H.INT. Program be amended to include the development of a community centre and the acquisition and development of land for a park at an upset estimated cost of \$711,800. as per the attached Schedule 'A'.
- b) That subject to (a) the Parks and Recreation Committee be requested to endorse the development of a community centre and the acquisition and development of land for park purposes.

Mr. D. Lobo
Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

At its meeting held 1992 November 24 City Council approved an Implementation Plan for the expenditure of PRIDE H.INT. funds at an estimated cost of \$1,095.805.90. Implementation has commenced and, due to site limitations and other factors, \$711,800. of these funds still remain. Therefore, sufficients funds are available under the Central/Beasley PRIDE H.INT. Program Account Centre No. CF 429102003 to implement

the additional projects. The PRIDE H.INT. Program is a fifty-fifty cost sharing program (Ministry of Municipal Affairs and Municipality).

BACKGROUND:

The Community Renewal Section, Parks Division, Public Works Department is responsible for administering the Central/Beasley PRIDE H.INT. Program which has a total allocation of \$1,440,000. (50% Provincial, 50% Municipal).

Staff have been working with the Central/Beasley PRIDE H.INT. Citizens' Advisory Committee (C.A.C.) since October 1991 to determine priorities for the expenditure of the allocation. The priority projects for the remaining funds have been identified by the C.A.C. to include the development of a community centre within the Beasley portion of the Community Improvement Project Area, and the acquisition and development of lands for a park within the Central portion of the Community Improvement Project Area. The Department of Culture and Recreation has identified the Beasley Neighbourhood as a target area for their Community Development Plan. A community facility of this type supports the Community Development process and establishes a focal point for the residents in the community. Approvals regarding parking and other issues will be dealt with through the normal planning process.

The Planning and Development Department supports the proposal to acquire and develop lands for a park within the downtown core and within this area of the Central Neighbourhood. The Parks Staff Committee endorsed the proposal at its meeting held 1993 September 16.

c.c. Mr. A. Ross, City Treasurer
 Treasury Department

Mr. K. Christenson, Secretary
Parks and Recreation Committee

Mr. V. Abraham
Director of Local Planning
Planning and Development Department

Mr. D. Vyce, Director of Property Dept.
Att: Mr. R. Swan, Manager of
Building Operations and Maintenance Division
Property Department

Mr. B. Sugden, Director
of Culture and Recreation Department, Att: Ms. C. Secore, Manager of Planning

SCHEUDLE 'A'

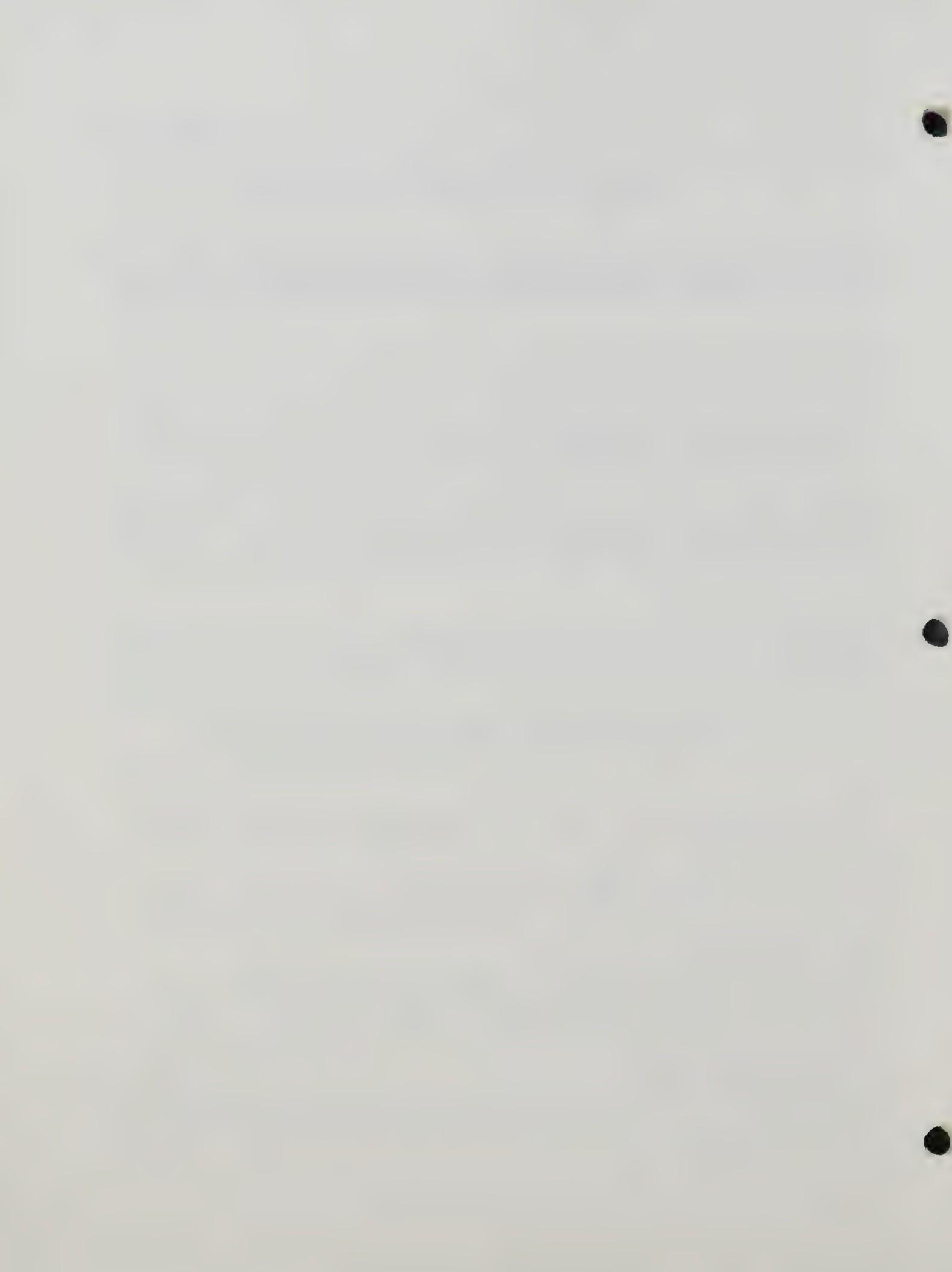
CENTRAL/BEASLEY PRIDE H.INT. PROGRAM

**PRIORITY PROJECTS IDENTIFIED BY THE CENTRAL/BEASLEY PRIDE H.INT.
CITIZENS' ADVISORY COMMITTEE FOR REMAINING FUNDS**

1.	Renovation of the existing building within Beasley Park to a Community Centre.	\$250,000.
2.	Acquisition and development of land within the Central portion of the Community Improvement Project Area.	\$400,000.
	Contingency	\$ 61,800.
	SUB-TOTAL	<u>\$711,800.</u>

**PROJECTS PREVIOUSLY APPROVED BY CITY COUNCIL
THAT HAVE BEEN OR WILL BE IMPLEMENTED**

1.	Subsidization for the Construction of Beasley Park	\$247,000.
2.	Implementation of Phase I Projects (including street trees, buffering of incompatible uses, play structure at St. Mary's School)	\$271,200.
3.	Outstanding items from Phase I: - Stuart Street improvement (from Bay to MacNab Streets) pedestrian amenities, fencing, ramping, landscaping) - Additional street tree planting	\$ 60,000.
4.	Consultant Fees:	\$150,000.
	GRAND TOTAL	<u>\$1,440,000.</u>



D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 October 13

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: INFORMATION ITEMS

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Commissioner of Planning and Development - Approved Site Plan Control Applications dated 1993 September 26
- (b) Region of Halton Commissioner of Planning and Development - Draft New Official Plan dated 1993 October 4.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A



Urban Municipal
Collection
2nd Floor
Hamilton Public Library



URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4

1993

1993 September 28

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1993 October 6
9:30 o'clock a.m.
Room 233, City Hall

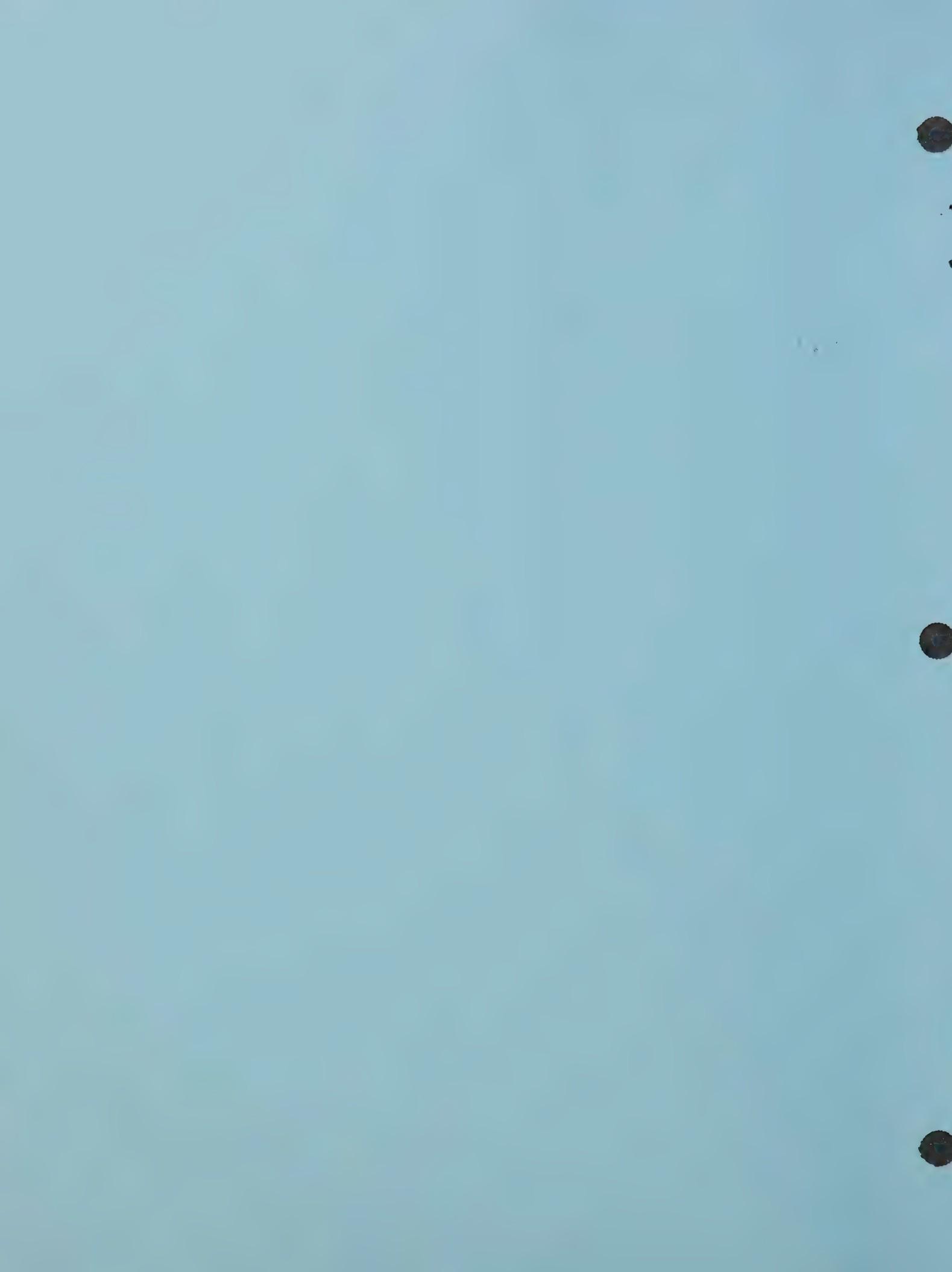
Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

1. Zoning Application 93-24, W. Heck, owner, for a further modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, for property located at Nos. 305 and 307 Main Street West; Kirkendall North Neighbourhood
 - (a) Submission - Lawrence Belisario, 303 Main Street West, Hamilton
2. **COMMISSIONER OF PLANNING AND DEVELOPMENT**
+ 15 Pedestrian Walkways



3. PREVIOUSLY TABLED SITE PLAN

Site Plan Application DA-93-14 (DA-31-35), Grindstone Properties Ltd., lessee, of lands at 18-24 James Street South; Central Neighbourhood

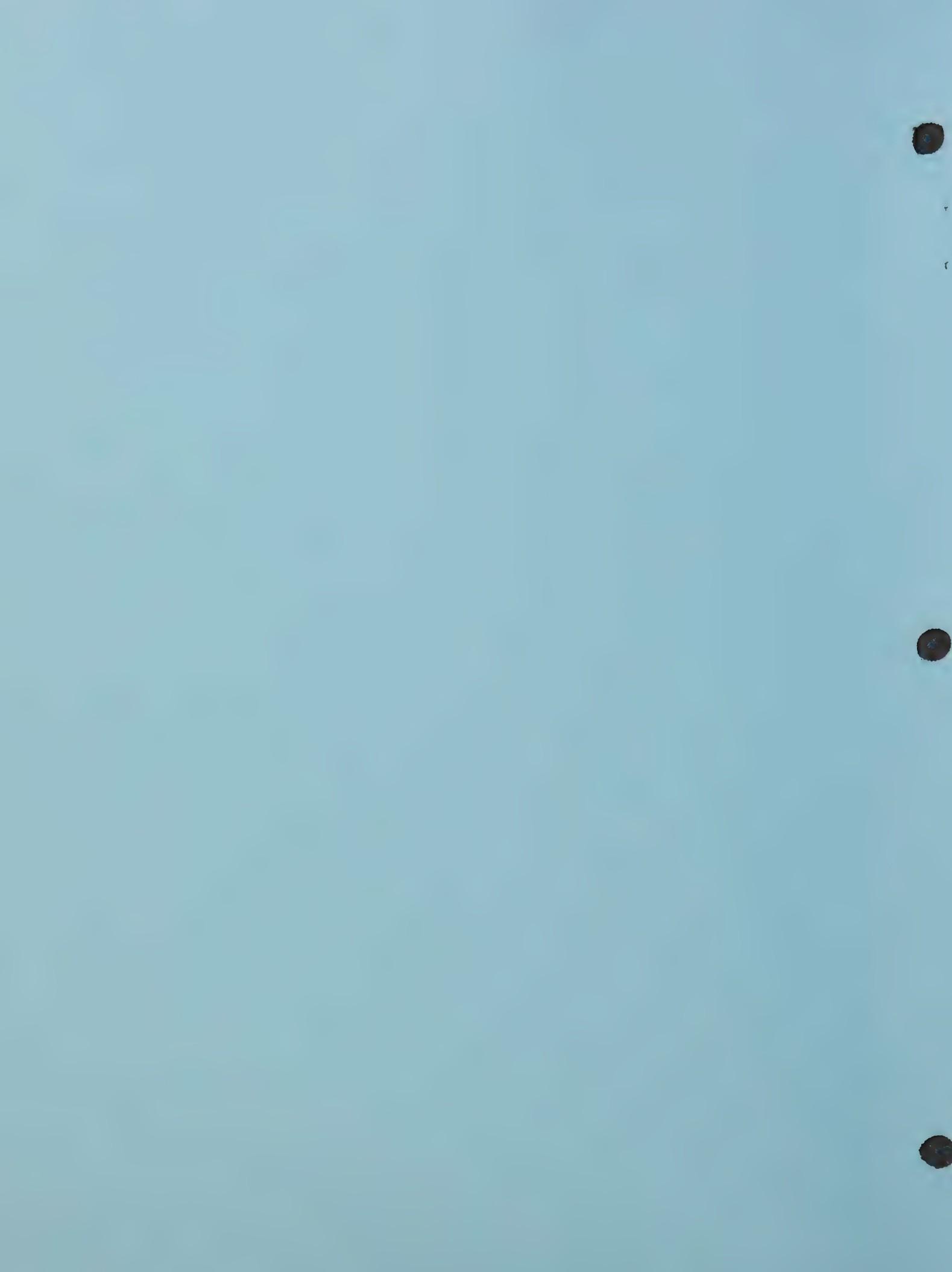
4. PREVIOUSLY TABLED - ALDERMAN D. AGOSTINO - Swimming Pool Pumps, Heaters and Filtering Equipment

Report from the Building Commissioner

5. CONSENT AGENDA

6. OTHER BUSINESS

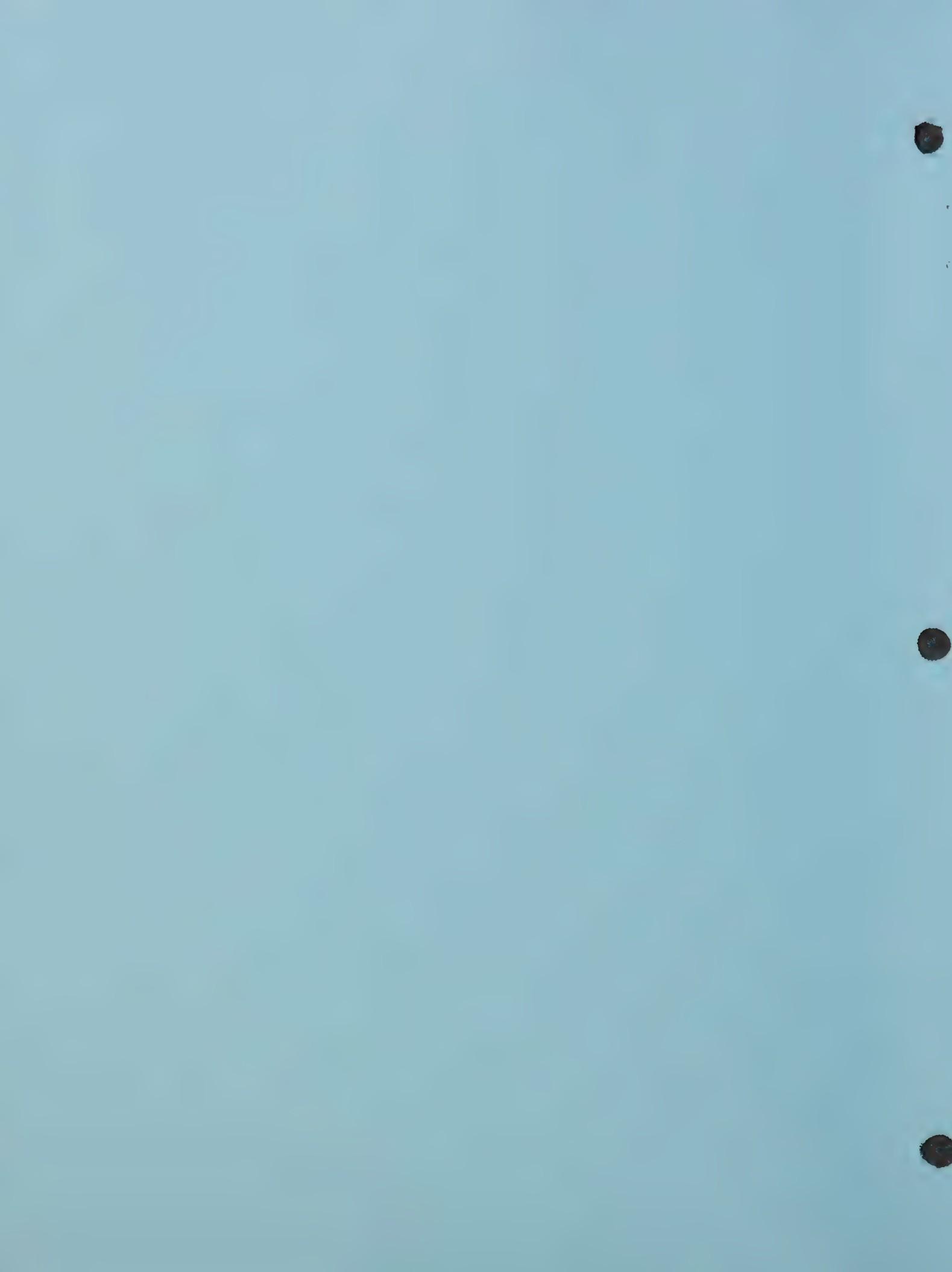
7. ADJOURNMENT



PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

Item No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	C.I. 90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee
3.	Conditions of Conversions - Separate Utility Controls	1991 June 19	Building	Report Pending
4.	Site Plan Control Application DA-91-50 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
5.	ZA-91-12 - 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
6.	ZA-92-03 - 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
7.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
8.	Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots	1993 February 3	Alderman H. Merling	Tabled to allow previous Sub-Committee to review matter
9.	Revitalization of Barton	1993 February 3	Mayor R. M. Morrow	Various Departments to report back on Mayor's Request
10.	Building Permit Fees and Development Charges	1993 March 24	Building	Building Department to review and report back
11.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
12.	Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods	1993 July 21	Planning & Traffic	Tabled to allow review by Staff



13.	Review of Parking Lot Regulations and Design Standards	1993 July 21		Tabled to 1993 October 22
14.	Site Plan Control Application DA-93-14 to amend approved plans of DA-91-35 for a parking lot on lands at 18-24 James Street South to include temporary access from James Street South	1993 July 21		Tabled to 1993 October

Tina Agnello, Secretary
1993 September 30



CITY OF HAMILTON**-RECOMMENDATION-**

DATE: 1993 September 29
ZAC-93-24
Kirkendall North

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification of zoning - Nos. 305 -
307 Main Street West.

RECOMMENDATION:

That approval be given to amended Zoning Application 93-24, Mr. W. Heck, owner, requesting a further modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District regulations, to permit a 3 storey - 5 unit mixed commercial/residential building, for property located at Nos. 305 and 307 Main Street West, as shown on the attached map marked as Appendix "A", on the following basis:

i) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593, as amended by By-Law No. 73-303, applicable to the subject lands, be further modified to include the following variances as special requirements:

a) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, a multiple dwelling containing a maximum of five (5) dwelling units shall be permitted, and two (2) ground floor dwelling units may be converted to one or more of the following uses, provided that the maximum gross floor area of each unit shall not exceed 96 m²:

1. Commercial Uses:

- (i) Professional Office or Business Office, excluding a Medical and Dental Office;
- (ii) Photographer's Studio, Artist's Studio;

- (iii) Barber Shop, Hairdressing Establishment, Beauty Parlour;
- (iv) Tailor Shop, Dressmaking Establishment.

2. Commercial Boutique Type Uses:

- (i) Music and Record Shop;
- (ii) Gift Shop;
- (iii) Art Gallery;
- (iv) Retail Book Store;
- (v) Wearing Apparel Shop, Millinery Shop.

3. The following accessory use to the commercial uses permitted under paragraphs 1. and 2. of sub-clause b):

- (i) one ground sign or wall sign or projecting sign.
- b) That Sections 10.(3)(i) and (3)(ii) of Zoning By-law No. 6593 shall not apply;
- c) That a minimum of five (5) parking spaces shall be provided and maintained on-site;
- d) Notwithstanding Section 18A(7) of Zoning By-law No. 6593, the required parking spaces shall have a minimum length of 5.8 m;
- e) Notwithstanding Sections 18A(11)(a) and (12)(a) of Zoning By-law No. 6593, a minimum 0.6 m wide landscape planting strip shall be provided and maintained along the easterly and westerly lot lines of the parking area, and a minimum 1.0 m wide landscape planting strip shall be provided and maintained along the southerly lot line;
- f) Notwithstanding Section 18A, Table 6, the required manoeuvring space aisle width for a required parking space shall be a minimum of 5.8 m.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-12 and W-13 be notated S- ;
- iii) That the City be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-12 and W-13 for presentation to City Council: and,

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District regulations for property located at Nos. 305 and 307 Main Street West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit a three storey - 5 unit multiple dwelling. In addition, it allows for the conversion of the two (2) ground floor apartment units for the following uses, provided that the maximum gross floor area of each unit shall not exceed 96 m²:

1. Commercial uses:

- (i) Professional Office or Business Office, excluding a Medical and Dental Office;
- (ii) Photographer's Studio, Artist's Studio;
- (iii) Barber Shop, Hairdressing Establishment, Beauty Parlour;
- (iv) Tailor Shop, Dressmaking Establishment.

2. Commercial Boutique Type Uses:

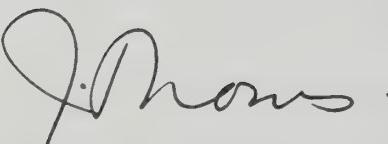
- (i) Music and Record Shop;
- (ii) Gift Shop;
- (iii) Art Gallery;
- (iv) Retail Book Store;
- (v) Wearing Apparel Shop, Millinery Shop.

3. Accessory uses:

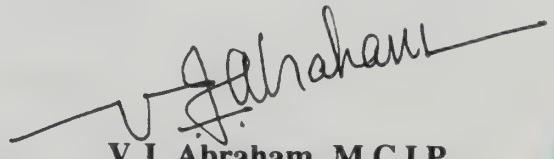
- i) one ground sign or wall sign or projecting sign.

In addition, the By-law provides for the following variances as special requirements:

- To exempt the development from the front and side yard requirements (Sections 10.(3)(i) and (3)(ii));
- To require a minimum of five (5) parking spaces to be provided and maintained on-site;
- To permit a reduction in the minimum length of the required parking spaces from 6.0 m to 5.8 m (Section 18A (7));
- To reduce the width of the required manoeuvring space for a required parking space from a minimum of 6.0 m to a minimum of 5.8 m (Section 18A Table 6); and
- To permit a landscape planting strip having a minimum width of 0.6 m along the easterly and westerly lot lines, and a minimum width of 1.0 m along the southerly lot line, whereas a minimum width of 1.5 m is required to be provided and maintained around the parking area (Sections 18A(11)(a) and (12)(a)).



J.D.Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification in zoning is to allow development of the subject lands for a 3 storey - 5 unit multiple dwelling. In addition, provision is made for future conversion of the two ground floor apartments into limited commercial uses provided that the maximum gross floor area of each unit does not exceed 96 m². Five off-street parking spaces are to be provided in the rear yard, with access via a driveway between the first floor units (driveway through the centre of the building). Landscaped planting strips, as well as privacy fencing is to be provided around the perimeter of the parking area (see Appendix "B"). A previous proposal involved a 7 unit multiple dwelling with the option for conversion of the two ground floor units to limited commercial uses.

- By-Law 73-303

On November 13, 1973, City Council passed By-Law No. 73-303 which provides for modifications to the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations respecting lands located on the south side of Main Street West in the area between Locke Street and Queen Street. The effect of the By-Law is to permit one or more of the permitted uses referred to in Section 10 of By-Law No. 6593, ("D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District) as well as the conversion of existing dwellings located on the lands within the described area to a limited number of commercial uses. In addition, the By-law regulates required parking, signage, and requires specific landscaping and fencing for a parking area adjoining any residential use. By-law No. 73-303 came into effect on February 25, 1974.

APPLICANT:

Mr. W. Heck, owner.

LOT SIZE AND AREA:

- 16.93 m (55.0 ft.) of lot frontage on Main Street West;
- 27.45 m (90.0 ft.) of lot depth; and
- 475.0 m² (4,950.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	commercial	"D" (Urban Protected Residential, One and Two-Family, Dwellings, etc.) District, modified

to the south	one and two-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District
to the east and west	commercial/residential uses	"D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,
 - d) satisfy the provisions of Subsections A.2.1 and C.7.

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- A.2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:
- ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;
 - iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given.
- A.2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for

new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL AND LOW DENSITY RESIDENTIAL" on the approved Kirkendall North Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The use of a multiple dwelling is not permitted in this zone.
 - 2. The proposed building under Section 18A will require 1 car per dwelling unit (total 5) and no parking for the commercial stores because they do not exceed 450 m² (4,844 s.f.) in area.
 - 3. A 4.2 m average front yard setback is required. Shown is nil.
 - 4. A 2.7 m side yard is required on both sides. Shown is nil.
 - 5. A minimum 5'-0" wide planting strip is required around the entire parking and manoeuvring area.
 - 6. A visual barrier fence (minimum 4'-0" high) is required around the parking area.
 - 7. Both the parking length and manoeuvring length must be 6.0 m . Shown is 5.8m.
 - 8. The commercial uses are restricted to the list in By-law 73-303."
- The Traffic Department has advised that:

"We have been advised that the applicant will be down-sizing this project from seven

units to five units and that the modification to the Zoning By-law will restrict the maximum number of units to five. The applicant can still convert two units to commercial in the future and leave three units as residential. At that time there will theoretically be two parking spaces available for the two commercial units. However, one parking space per commercial unit will only provide parking for the owners of these units. The customers will still have to find parking elsewhere in the adjacent neighbourhood.

Presently, the occupants of 299, 301 and 303 Main Street West are using the subject property in conjunction with 291 Main Street West to gain access to the parking area at the rear of these properties. The proposed development will eliminate access to these properties and will force all movements through the property at 291 Main Street West. We previously suggested to the applicant that consideration be given to establishing a mutual right-of-way over the rear of all of these properties to allow continued access and a shared parking arrangement. We understand that the applicant has chosen not to pursue this option."

- The Roads Department has advised that:

"There are public watermains and combined sewers available to service these lands.

The designated road allowance width of Main Street West is 26.21 m. In accordance with this designation, the Region previously acquired the required road widening on Main Street By Instrument No. 403780 C.D. and shown as Parts 1 and 2 on Reference Plan 62R-8489. Therefore we do not anticipate any further road allowance widenings at this time.

Comments from the City of Hamilton Traffic Department with respect to access, parking and aisle widths should be considered. Any change in access or new access to Main Street requires an Approach Approval from their office. We have reviewed the preliminary site plan submitted and recommend that the access driveway from Main Street be widened to a minimum of 6.0m and not the 3.048 m shown on the site plan. The plans must be revised accordingly to reflect these requirements.

We recommend that the subject lands be developed through site plan control at which time we will provide more detailed comments on grading, landscaping, access, etc.

We normally require 5 m by 5 m daylight triangles between the access and the widened road allowance limits of Main Street in which the maximum height of any objects or mature vegetation is not to exceed a height of 0.60 m above the perpendicular centreline elevation of Main Street. We could consider reducing this to a minimum 3 m by 3 m daylight triangle on each side of the access due to the proposed building envelope and the limited size of this property."

Further to receiving the above comments, the following comments have been submitted with regard to the applicant's revised plan:

- "1. Our previous comments on road widenings, services etc. are still applicable.
2. The plans have been revised to indicate the 3 m by 3 m daylight visibility triangles required between the access and the widened road allowance limits of Main Street.
3. We understand that a maximum of 5 units will be permitted within the proposed building and that a maximum of 2 of these 5 units can be used for low traffic generating commercial uses.

In our previous comments dated August 19, 1993, we stated that the access driveway should be a minimum width of 6.0 m. Although the reduction in the units will decrease the probability of vehicle conflict in the 3.0 m wide access driveway proposed, the loading and unloading of service vehicles on Main Street will occur and vehicle delay within the curb lane of Main Street will be experienced. Furthermore it is our opinion that the intent of the Regions Official Plan is to ensure that with new development or redevelopment that adequate parking, loading and manoeuvring be provided on the site and that this proposal does not sufficiently address these concerns. However, given the limited site area, size of development and land uses proposed, the detrimental impact of this development on Main Street may be minimized."

- The Hamilton Region Conservation Authority and Go Transit have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kirkendall North Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan which designates the subject lands "COMMERCIAL";
 - it implements the intent of the approved Kirkendall North Neighbourhood Plan which designates the subject lands "COMMERCIAL AND LOW DENSITY RESIDENTIAL";
 - it represents an infill situation and will integrate with established development in

the area which is characterized by mixed commercial/ residential, and multiple residential development along the Main Street West street frontage;

- it will provide the opportunity for affordable housing;
 - it is situated on the periphery of the Central Area where mixed use development is encouraged to locate;
 - it is served by public transit on Main Street West, and is readily accessible to shopping services and other amenities;
 - five off-street parking spaces are being provided which either meets or exceeds the minimum By-law requirement (five residential units or three residential units and two commercial units, note: no commercial parking is required).
4. Based upon the preliminary site plan (see Appendix "B"), approval of the application would require the following by-law variances:

Yards

The front and side yard setbacks will be eliminated, whereas setbacks of 4.2 m (average front yard) and 2.7 m (side yards) are required.

Considering that the majority of the existing buildings along this portion of Main Street West are located either at the established street line, or are located within the proposed widenened portion of the road allowance, the proposed front yard set back of the building at the widened limits of Main Street West is no less feasible at this location. The variance can be supported.

Regarding the side yards, in order to provide for a development that is sensitive to the type of development already established in this area, and to provide for off-street parking with an acceptable access to the rear yard, the building establishes 0 m side yards. In this regard, depending upon the type of building construction, the Ontario Building Code regulations will dictate the actual minimum set back. As there are similar circumstances already established along Main Street West in the area between Dundurn Street and Queen Street, the requested variance is considered minor in nature and can be supported.

Parking Requirements

The length of the parking spaces and the width of the manoeuvring spaces are reduced (5.8 m vs. 6.0 m). In addition, a 1.5 m wide landscape planting strip is required around the entire parking lot, whereas a minimum 0.6 m wide planting strip is to proposed along the easterly and westerly side lot lines, and a minimum 1.0 m wide planting strip is proposed along the entire rear lot line.

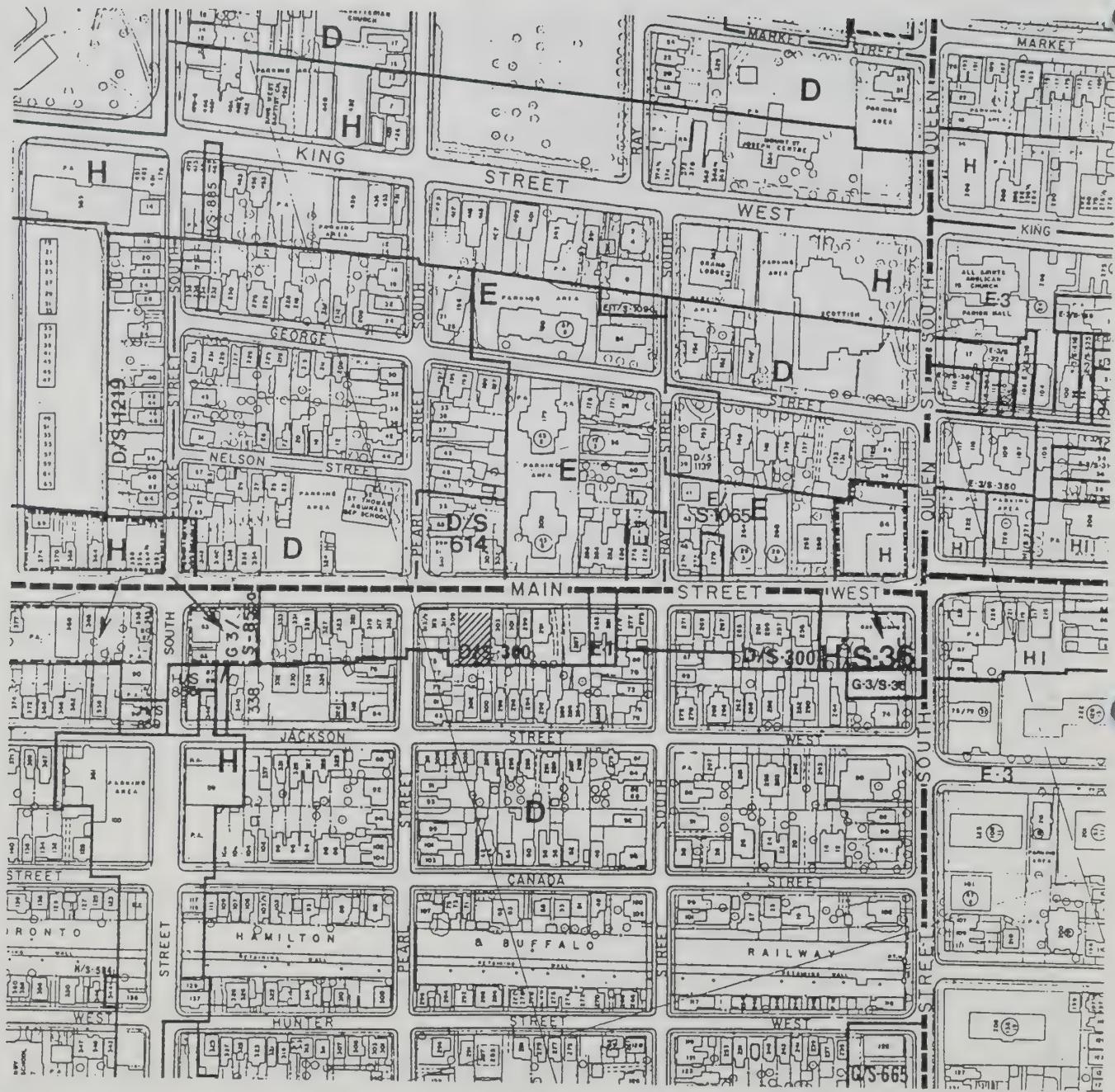
Taking into consideration the established site constraints and the character of existing development in the surrounding area, the variances are considered minor in nature and can be supported. Furthermore, the Traffic Department has no objection to the requested variances.

5. Presently, the site is vacant and appears to be utilized for parking and access purposes by adjoining properties to the east (299, 301, 303 Main Street West), with an access at 291 Main Street West. Concern has been expressed that development of the site will result in the elimination of through access. Generally, these matters are resolved between the adjoining land owners by establishing right-of-way agreements. Alternatively, the Committee could require a right-of-way agreement, registered on title, as a condition of zoning approval.
6. It should be noted that the property is subject to Site Plan Control By-law 79-275 as amended By-law 87-223. In this regard, the applicant/owner is required to submit site plans for the approval of the Planning and Development Committee prior to the issuance of a building permit at which time matters such as road widenings, access, parking, etc. can be reviewed.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

GAW/WPZAC9324



Legend



Site of the Application

ZAC-93-24



APPENDIX A

September 13, 1993

1 (a)

Dear Secretary
Planning and Development Committee
File-ZAC-93-24 SEQ-00213

I am **opposed** to the proposed variances to the present zoning of 305-307 Main St. W. for the following reasons.

1. My property (303 main st w.) is right beside 305 and 307. The plan for the proposed building has it being constructed from lot line to lot line. It does not allow for the proper side, front and rear yards which the D zoning requires. If this building is allowed to be constructed in this way it will be approximately one foot from my house. I **live in my house** it is not just an investment. The proximity of this structure to my building leaves me with a number of concerns.

- a. Fire considerations, with the houses so close fire certainly would spread from one to other easily.
 - b. The windows on the west side of my house would be blocked.
 - c. My gas meter would have to be moved. It is on the west side of my building and it will not be possible to read it because we will not be able to get to it.
 - d. There is a large amount of grade running east to west on the 305-307 property. My house is over 100 years old and has an old field stone foundation that is not in the best condition right now. If Mr. Heck is allowed to build so close to my house I am sure that he will have to uncover part of my foundation. I believe this will result in damage to my house.
2. My second concern is parking. The plan for 305-307 shows five residential/commercial units. It also shows only five(5) parking spaces. This only conforms with the D Zoning if all five units remain residential! If the ground floor units are used as commercial as many as nine parking spaces may be required. It is

reasonable to assume that the two ground floor units will be commercial and that the plan does not comply with the D Zoning.

I don't think I need to point out that parking in this area is a major problem. This lot has been empty and open for over ten years, it not only supplied access to the back of 303, 301 and 299 Main st. w. for parking but itself has been used for parking by the business in the area. I know it is not Mr. Heck's responsibility to allow this use, but never the less allowing a building to be build which may be as many as four parking spaces short is only part of the problem. Another dozen cars will be looking for parking on the streets because they can no longer use this empty lot or get to the back of 303, 301 and 299 Main St. W. to park!

3. In order to make this economically viable I believe Mr. Heck would have to rent these units for \$800-\$1000 /month "net"!. The present plan shows all of the units being used as residential. Who will pay \$1000/month. plus to live six feet from Main St. (my whole house shakes every time a large truck comes by)? At a time when vacancy rate is as high as it has been in years I am afraid Mr. Heck will have to rent his units at a much reduced rate. In the last seven years I have seen the area improve for the business community at a dramatic rate. I fear this structure may become like the Sherman Inns (369 Main St. W.) which is not is good representative of what our City is all about.

Sincerely

Lawrence Belisario

Lawrence Belisario
303 Main St. W.
525-8753

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 September 29
(SS-CBD)

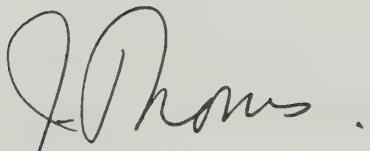
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

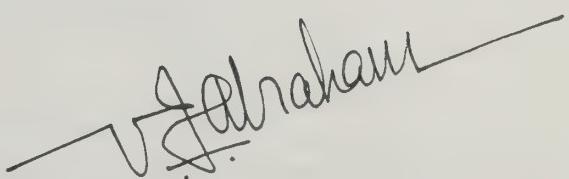
SUBJECT: +15 Pedestrian Walkways

RECOMMENDATION:

1. a) That a copy of this report be circulated to City and Regional Departments for comments; and,
- b) That the comments from the public meeting, from the various Sub-Committees previously received, and the circulated Departments be incorporated into a comprehensive review of the Official Plan policies respecting +15 Pedestrian Walkways.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On June 29, 1993, City Council approved the staff recommendations respecting the study entitled "Guidelines for an Integrated Central Business District: Focus Area". One of the recommendations required staff to review the feasibility and appropriateness of two additional +15 connections: one from Jackson Square to Gore Park and the second from the Convention Centre to Gore Park. In reviewing the recommended additional +15 connections, it became apparent that a review of the entire +15 system in the Core Area was also required as the original connections of that system have gone largely unfulfilled.

+15 SYSTEM IN HAMILTON:

- 1981 Central Area Plan

The 1981 Central Area Plan established the framework for the development of the +15 System in Hamilton through the following Policy in the Movement Section of the Plan:

"Wherever feasible and desirable, vehicular and pedestrian traffic will be separated by means of +15 pedestrian walkways, tunnelization of streets, pedestrian malls, underground bus terminal or other means. In the area circumscribing Jackson Square on the north, west, and south, the +15 circulation system will be extended as new development occurs. On King Street East, circulation will remain at ground level. Detailed study will delineate the area within which the +15 circulation system will be required for development and redevelopment. Detailed studies will also examine appropriate uses at the +15 level and the integration of a loading and unloading system."

- City of Hamilton Official Plan - 1980 Consolidation

The detailed design study was completed and culminated in a report adopted by Council on November 10, 1981. The report recommended the adoption of the +15 designated area (see attached map in APPENDIX "A").

In addition to the identification of specific +15 links, the report adopted by Council in 1981 recommended the inclusion of Official Plan Policy A.2.9.3.10, and the establishment of Special Policy Area 12, which defines the area for which +15 systems are to be built. Policy A.2.9.3.10 reads as follows:

"Further to policy A.2.8.7 i), Council will require provision for an elevated pedestrian walkway system ("+15") emanating from Lloyd

D. Jackson Square, connecting adjacent future development with the Square. To implement the pedestrian system, it is the intent of Council that:

- i) *Links in the system will be constructed when new development occurs to the north, south, and west of Lloyd D. Jackson Square, in the area shown as SPECIAL POLICY AREA 12 on Schedule "B-1". The system will be integrated with the transit system;*
- ii) *Site Plan control will be employed to implement the "+15" pedestrian system for any development or redevelopment to which the system is intended to connect. Provisions will be made for allowances in building design to facilitate the walkways at upper levels and to ensure the integration of the system with ground level pedestrian walkways. Appropriate landscaping measures and other amenity features will also be incorporated;*
- iii) *The nature of the "+15" pedestrian system will be determined by design guidelines specifying matters to be considered in implementing the system; and,*
- iv) *The City will enter into any agreements, where deemed appropriate, with development or redevelopment proponents to realize the above guidelines."*

- +15 Links in Hamilton

APPENDIX "B" contains a list of the identified +15 links from the original study. Of these links, only one has been constructed (the York Boulevard Parkade-Eaton Centre connection). It should be noted that, at the time the original study was completed, the King Street link was already constructed. Of the remaining proposed connections, two were not constructed at the time of redevelopment (connections to Jackson Square and the Provincial Office Tower from the two phases of the CIBC development). In the case of the CIBC development (both phases) the buildings were constructed to permit future construction of the connections; however, at the time the site plans were approved, no financial arrangement could be agreed upon between CIBC, Jackson Square, and the City. Of the remaining proposed source connections, four are currently developed as parking lots.

The need for two of the links (the Commonwealth Square-City Hall Plaza and the Bank of Montreal-Piggott Building connection) require review. In the case of the Commonwealth Square-City Hall Plaza connection, a +15 bridge would seriously impair the visual aesthetic of the City Hall Plaza, particularly the forecourt of City Hall. It is noted that this area is used for outdoor receptions as well as being the area where visiting officials and dignitaries are formally received. A +15 link to the City Hall Plaza was not contemplated for implementation as part of the recommendations of the City Hall Grounds study. In addition, there is a pedestrian cross-walk at the intersection of Summer's Lane and Main Street West at which there is a traffic light. There is also a traffic light controlled intersection at Main Street West and James Street, providing a pedestrian access to this area of James Street and Gore Park.

COMMENTS:

1. As part of the review of the recommended additional +15 links, the Central Area Plan Implementation Committee, the Urban Design Committee, and the Central/Beasley Neighbourhood Plan Review Team were consulted. The Central/Beasley Neighbourhood Plan Review Team concurs with the recommendation to delete the +15 system.

The Central Area Plan Implementation Committee endorses the concept of deleting the requirement for +15 pedestrian connections. In addition, CAPIC members requested the Planning and Development Department to consider the inclusion of a policy permitting private developers to implement +15 pedestrian connections, where appropriate.

The Urban Design Committee also has established a position to delete the +15 policies. The Urban Design Committee concurs with the recommendation from CAPIC to permit private developers to implement appropriate +15 connections.

2. With regard to the proposed new connections to the +15 system (the Convention Centre to Gore Park and Jackson Square to Gore Park), it is noted that there is ample pedestrian access via sidewalks and controlled intersections for people wishing to travel to Gore Park. The Jackson Square to Gore Park route is very well utilized at the street level.

The Convention Centre-Gore Park proposed connection is of questionable need. Currently, there is full access to Gore Park via sidewalks and controlled intersections. The challenge is to make people want to travel to Gore Park and the Downtown and International Village BIA areas. Other initiatives, such as the Gore Park Fountain proposal and the Ferguson Avenue revitalization, will facilitate the attractiveness of the area east of James Street, along King Street. Expenditures on these initiatives may provide more return for the investment than additional +15 connections.

3. At the time the initial +15 report was completed, in 1981, the following were identified as the pros and cons of the +15 system:

Pros

- protection from inclement weather;
- second level retail activity and opportunity for expansion of the retail space in Jackson Square;
- quicker pedestrian movement across major arterial roads; and,
- safety in terms of separating pedestrian traffic from vehicular traffic.

Cons

- pedestrian activity is removed from the street level;
- connections are expensive to construct and expense to maintain;
- the connections are not visually appealing;
- the connections may be unsafe after business hours as they are isolated and have limited means of escape; and,
- requiring the connections in new development is difficult in that it requires negotiation with the developer (or developers) and may require municipal financial contributions towards the construction and maintenance of the connection.

However, the +15 system in Hamilton has not been fully implemented since its inception. For the following reasons, the Official Plan requirements for +15 Pedestrian Walkways requires further review with input from the public, other City and Regional Departments, and consideration of the position of the various Sub-Committees:

- i) the existing walkways provide access to and from very specific areas. For example, the Sheraton/Convention Centre connection serves only those people travelling between these two buildings. The general public tends not to use this connection as it is generally a detour for them.

The York Boulevard Parkade/Eaton Centre connection serves the general public travelling to the Eaton Centre. However, other people use the York Boulevard Parkade and shop in the Farmer's Market and Jackson Square.

- ii) One of the intentions behind the +15 system was to have a second level shopping concourse to attract patrons. However, this has not occurred in Jackson Square as the second level is generally the outdoor plaza area. There is very limited shopping on the second level of Jackson Square and it is not easily accessible from the King Street pedestrian bridge.
- iii) Additional +15 links to Jackson Square may further harm the street level businesses to the east along King Street, to the west along King Street, and along James Street North. One of the negative impacts of Jackson Square has been felt by the businesses in the commercial areas around Jackson Square. The Square tends to attract a great many people who stay in the Square and tend not to

patronize the surrounding commercial shopping streets. Further +15 connections will only serve to enhance the access to Jackson Square and take away from the surrounding pedestrian shopping areas.

- iv) From a planning perspective, it is important to have a well-used and attractive pedestrian shopping area in the core area. Vibrant commercial shopping areas enhance the downtown core and attract more pedestrians to it. Separating and encouraging pedestrians away from the street area may serve to further impede the viability of the commercial shopping areas in the downtown.
- v) One of the reasons for implementing a +15 system was to separate pedestrian and vehicular traffic. However, it is apparent from the current connections that pedestrians use the street anyhow as many of the areas they are travelling to are only accessible by the street. This type of movement should be encouraged through programs such as improved lighting and sidewalk improvements, thus enhancing the attractiveness of the street level commercial areas.
- vi) A +15 system is expensive to construct and expensive to maintain. The King Street connection has been damaged by trucks on at least three occasions, necessitating expensive repairs to it. The cost of building additional +15 connections may be better spent on improvements for pedestrian movements at the street level such as weather protection, lighting and improved street crossings.

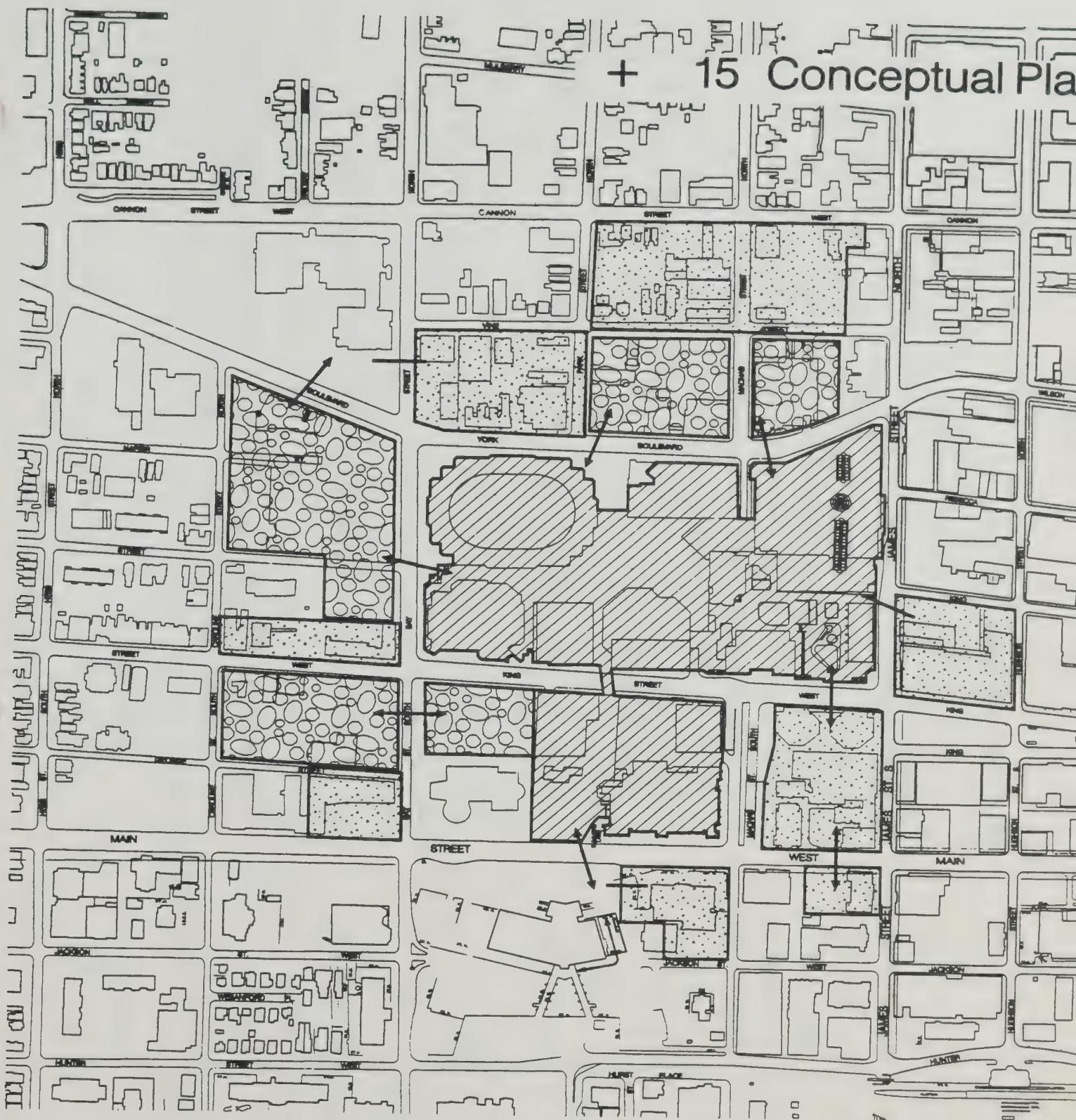
In addition, the +15 connections are extremely difficult to negotiate with private developers. An agreement satisfactory to all parties could not be negotiated for this connection. Future connections may encounter the same difficulties amongst property owners.

4. For the information of the Committee, other cities are reviewing their +15 policy. One specific example is the draft Official Plan for the City of Toronto, which discourages +15 walkways for many of the reasons stated above.
5. The public meeting was scheduled for October 6, 1993 during the day in order to provide the opportunity for the majority of users of the +15 system to attend the meeting. It is noted that the two connections are utilized chiefly during the day by persons working in downtown Hamilton.

CONCLUSION:

On the basis of the foregoing, it would be appropriate to draft an Official Plan Amendment to delete the existing +15 policies and circulate the draft amendment to other City and Regional Departments.

+ 15 Conceptual Plan



Legend

Existing + 15 Level

← → Overhead Pedestrian Links

Proposed + 15 Areas

— Optional Overhead Pedestrian Links

Optional + 15 Areas

Prepared by the
Planning and Development Department
The Regional Municipality of Hamilton-Wentworth

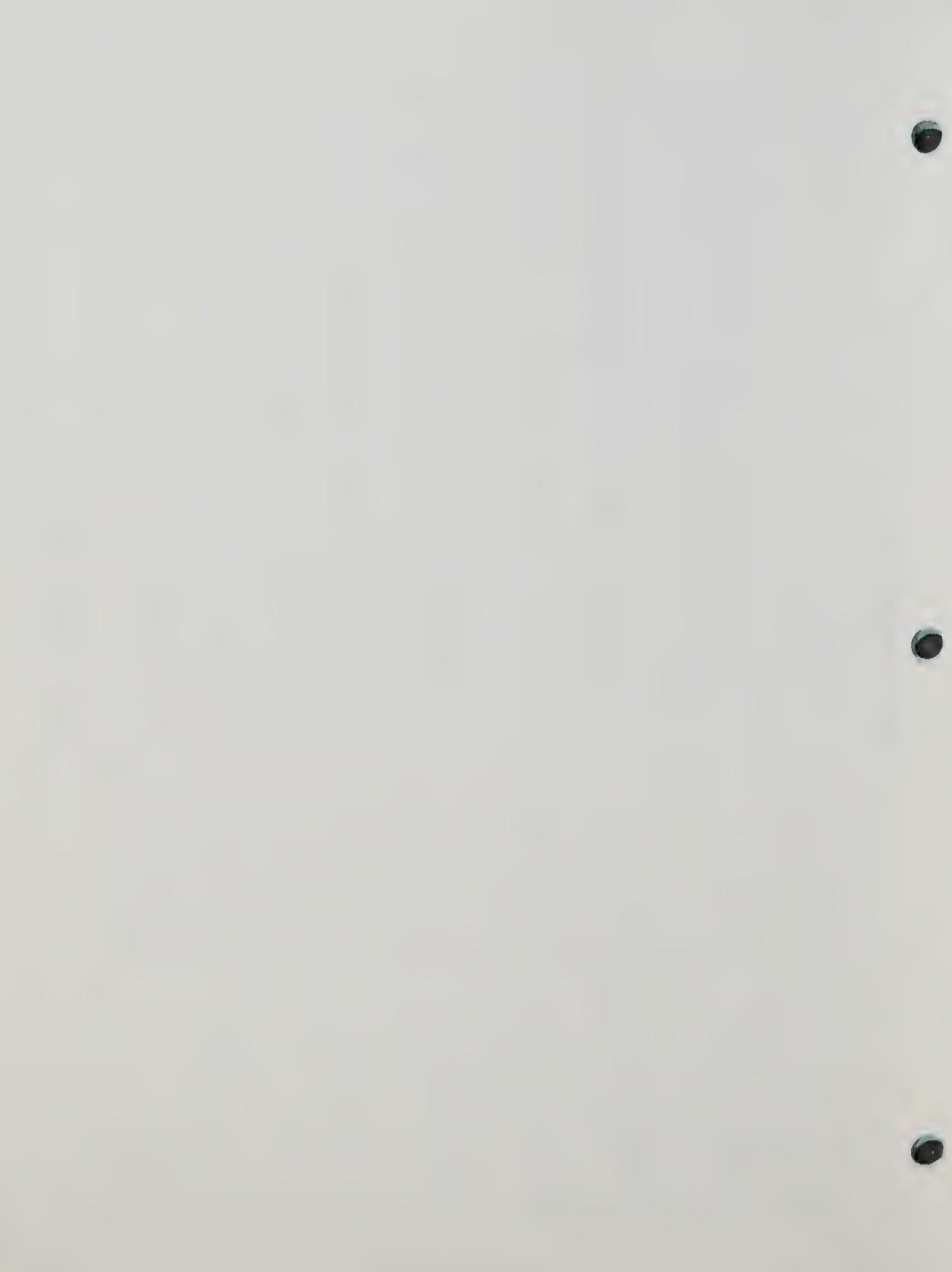


Analysis of Identified +15 Links

SOURCE:	DESTINATION:	COMMENTS
Provincial Office Tower	CIBC Phase II	Not constructed during CIBC Phase II development
CIBC Phase I	Jackson Square	Not constructed during CIBC Phase II development
York Boulevard Parkade	Eaton Centre	Constructed during the development of the Eaton Centre and the York Boulevard Parkade
N/E Corner of York Blvd. and Park Street North	Copps Coliseum	Source (Park & York Boulevard) is currently a parking lot with no current redevelopment plans.
Sir John A. MacDonald High School	Harvey's/Swiss Chalet (S/W corner of York & Bay)	Destination is currently built although a portion at the eastern end is a parking lot.
west side of Bay Street North (at Market Street)	Jackson Square	The source is a parking lot with no current proposals for redevelopment.
S/W corner of Bay Street & King Street West	Board of Education Parking Lot	Both the source and the destination are parking lots - neither has current proposals for redevelopment.

Analysis of Identified +15 Links

SOURCE:	DESTINATION:	COMMENTS
Confederation Square	City Hall Plaza	Confederation Square currently is being reviewed for a sculpture garden. A connection at this location would have a serious negative impact on the visual aesthetic of the City Hall Plaza.
Courthouse (Main & MacNab)	Hamilton Place	This connection has not been constructed. It is questionable as to whether or not it is needed as there is a traffic light and cross-walks at this intersection.



CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: 1993 September 28
DA-93-14 (DA-91-35)
Central Neighbourhood

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

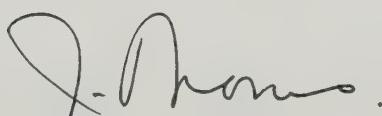
SUBJECT: Site Plan Control Application DA-93-14 to amend approved
plans of DA-91-35 for a parking lot, on lands at 18-24
James Street South to include a temporary access from
James Street South.

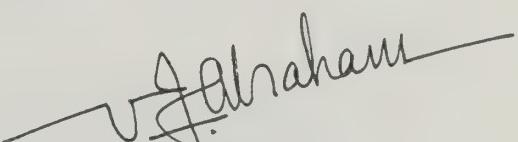
SECOND REPORT:

RECOMMENDATION:

That Site Plan Control Application DA-93-14 by Grindstone Properties Ltd., lessee, of lands at 18-24 James Street South, to amend approved plan of DA-91-35 for a parking lot, to include a temporary access driveway from James Street South be DENIED for the following reasons:

- i) the introduction of an access driveway from James Street South would be out of character with the Gore Park precinct; and,
- ii) the interruption of a pedestrian walkway by motorized vehicles is undesirable in the downtown core where alternate access is readily available.


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend approved plans of DA-91-35 for an existing parking lot on lands at 18-24 James Street South to include a temporary access driveway from James Street South.

The driveway will be signed as an "Entrance Only". An entrance/exit exists on MacNab Street with availability to north and south bound traffic.

The temporary access to James Street South is intended on being removed when redevelopment of the land occurs.

At its meeting of July 21, 1993 the Planning and Development Committee tabled the application at the request of the applicant. Subsequently, the applicant met with staff to present the attached letters of support from the Downtown Hamilton Business Improvement Area and a written commitment to reinstate the temporary approach should it be deemed to be a problem. Also submitted was a more detail plan of the proposal with improved tree and shrub plantings and paving.

COMMENTS RECEIVED:

The Hamilton-Wentworth Roads Department has advised that the grading plan is approved. Also, based on the attached letter of May 18, 1993 from the Traffic Department, the Roads Department has no comments assuming traffic signs are in place on site indicating access from James Street South is "in" only.

The Building Department has no comment.

The Traffic Department has in their attached letter advised that the temporary access will operate one-way inbound with "Do Not Enter" signs installed within the site. The applicant must apply for a Driveway Approach Approval through the Traffic Department. It was further noted that "approval by this Department is based on a temporary approach ramp which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area".

The Hamilton Street Railway Company has indicated that there is "a bus stop located south of the proposed driveway entrance. A bus stopped at this location would encroach into the driveway approach by about 0.5 to 1.0 metres. There may be very occasional times, however, when there would be two buses at the stop or an articulated (i.e. 60 foot) bus would block the entrance. From an operational point-of-view, we would like to see this entrance as a "free-flow" entrance so that cars would not queue back onto the street, blocking southbound bus movement. I believe you indicated that you do intend to have this as a free-flow entrance or that you would provide internal storage space for cars stopping.

If you can accommodate the subject concerns, we would have no objections to the proposed driveway."

The Central Area Plan Implementation Committee (CAPIC) has advised "that the Site Plan Control Application for 18-24 James Street South, respecting the request for an access driveway to James Street South, be rejected by City Council".

The Urban Design Committee has indicated that "bearing in mind the pedestrian traffic in this area, that this application be refused".

The Local Architectural Conservation Advisory Committee (LACAC) has advised that they do not support the access to James Street South because of the vehicular conflict with the pedestrian traffic and bus stops. The pedestrian character of the Gore Park area and the streetscape of the Gore is of paramount importance to the City.

COMMENT:

The new temporary access to James Street South and its redesigned landscape treatment has been proposed to encourage maximum use of the existing parking facility which is presently restricted to access from MacNab Street only.

The applicant has emphasized that the "entrance only" access to the parking area is a temporary situation until redevelopment of the site occurs. The applicant has further in the attached letter stated that should the proposed access be determined by the Director of Local Planning and the Director of Traffic Services and the Director of Transportation Services to be a problem, the driveway would be removed. Should the Committee consider approval of the temporary driveway, this condition of approval would be recommended.

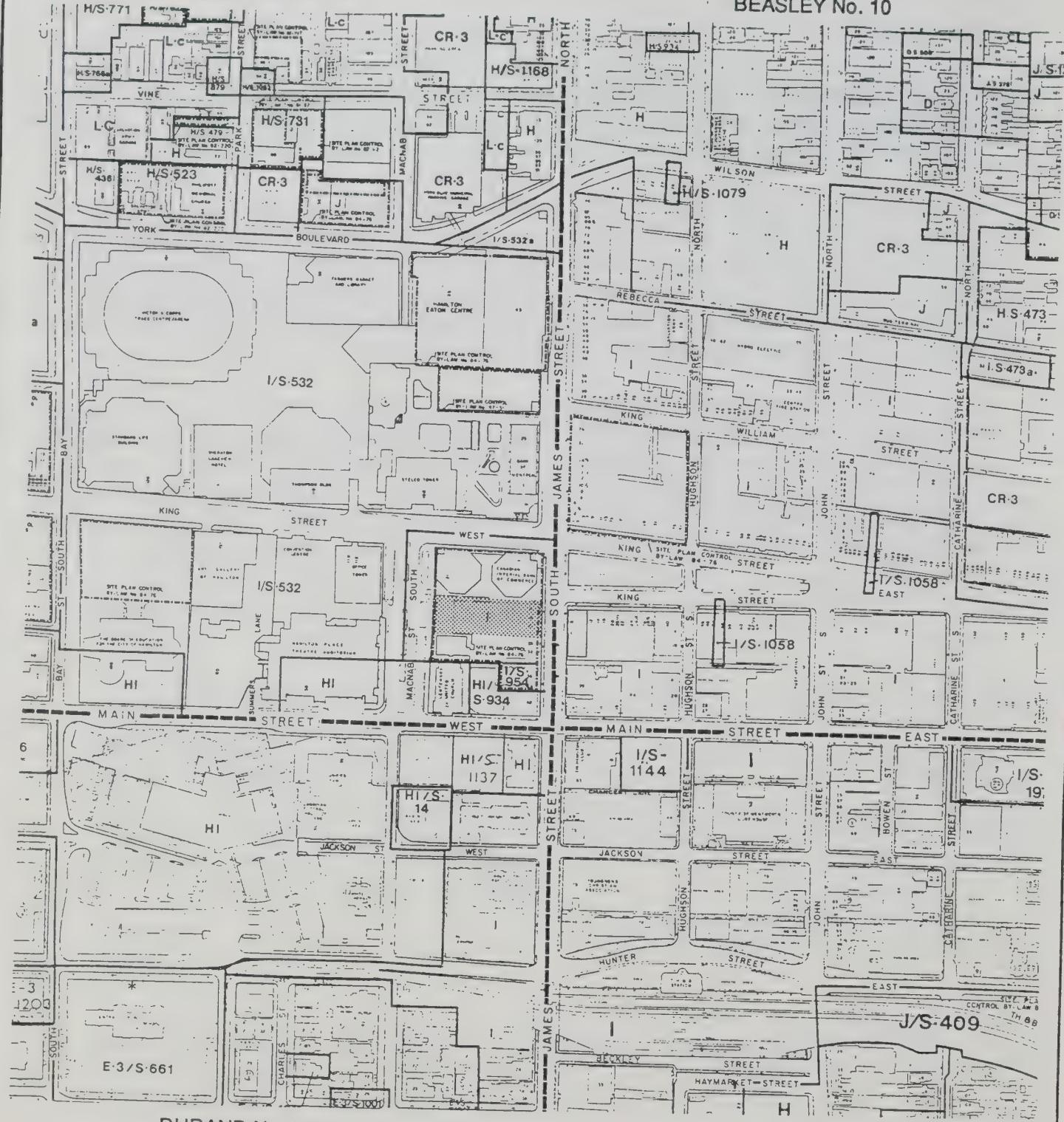
As noted by the Roads, Traffic and HSR, technically the proposed access can be accommodated. However, comments from CAPIC, LACAC and Urban Design Committee are opposed to the introduction of this vehicular conflict with the pedestrian movement. It has also been noted that the character of the Gore Park area and the streetscape would be adversely affected by the introduction of even a temporary vehicular access driveway. The introduction of this temporary access may also set a precedence for other similar applications in the Gore Park area.

For these reasons, the proposed driveway access to James Street South cannot be supported.

JPS/ma

CENTRAL No. 21

BEASLEY No. 10



DURAND No. 41

CORKTOWN No. 31

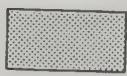
City of Hamilton

Plan Showing
Lands Subject to

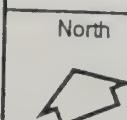
Site Plan Control Application DA-91-35

DA-13-14
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application



Scale
1:5000

Date
APRIL, 1991

Reference File No.

DA-91-35

- 43 -

rawn B



TRAFFIC DEPARTMENT

City of
HAMILTON71 Main Street West, Hamilton, Ontario, L8N 3T4 DEVELOPMENT
Tel. (416) 546-4510 / Fax (416) 546-2419 LOCAL PLANNING DIVISION

1993 June 23

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-93-14
Temporary Parking Lot at 18-24 James Street South

JUL 05 1993

TO	STAFF INIT.	INFO.	AC
DPL			
RR & A			
URBAN			
WATER			
PSM			
CATT			
APPROV			

PSM

In response to your letter of 1993 June 08, please be advised that we have reviewed this application and provide the following comment.

The temporary access from James Street South will operate one-way inbound to the parking lot. Two signs stating "Do Not Enter" must be installed at the access, as shown on the attachment. The plan indicates that the access to James Street South will be a street type entrance. The applicant should be advised that a standard apron approach will be used.

We would emphasize that approval by this Department is based on a temporary approach ramp, which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area.

The applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Yours truly,

Murray R. Main, P.Eng.
Director of Traffic Services

RK/ES/ks
Attach.





TRAFFIC DEPARTMENT

City of
HAMILTON71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-4510 / Fax (416) 546-2419

1993 May 18

Grindstone Properties Ltd.
P.O. Box 120
Waterdown, Ontario
L0R 2H0

Attention: Mr. Greg Fraleigh

Dear Sir:

Re: Vehicle Access Ramp to the Property at
no. 18-24 James Street South, in the City of Hamilton

We have once again reviewed the possibility of constructing a temporary driveway approach to the subject property, which would operate one-way from James Street South. You will recall that this Department previously issued a driveway approval, but that in order to expedite the opening of the lot, you withdrew your application at that time. It is also apparent that the Hamilton Street Railway Company has given their approval to this temporary access, provided that movement of vehicles onto the site is "free flow", such that there is no likelihood of vehicles backing up across the sidewalk and onto James Street South.

We have also discussed this matter with Mr. Ted Gill, Senior Director, Roads Department of the Region of Hamilton-Wentworth, and he has advised that he concurs with the temporary construction of a vehicle approach ramp at this location.

We would emphasize that the approval by this Department is based on a temporary approach ramp, which will provide better utilization of the site in its present use as a surface parking lot, thereby enhancing business activity in the downtown area.

Since the site plan control is still in effect, my approval is subject to this proposal being approved by the Planning and Development Committee of the City of Hamilton.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MFM/jd

cc: E.M. Gill, Senior Director, Roads Department

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Sept 13



140 King St. E., Effort Square, Hamilton, Ontario, Canada L8N 1B2 — Phone (416) 522-0633 — Fax (416) 522-6911

8.30.93.

PLANNING AND DEVELOPMENT COMMITTEE

City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Attention: Tina Agnello, Secretary

To the Committee:

CITY CLERKS

During the discussion that preceded the decision to support the application of Grindstone Properties for the construction of a temporary entrance to their parking lot off James Street, a large proportion of the B.I.A. Board made it clear that they were supporting the application under the following circumstances:

1. The parking lot is a temporary one and will eventually be replaced with a commercial building;
2. Current economic conditions are such that any improvement in potential traffic into the core should be met with a favourable response;
3. The position of our Board on this application is our position on this specific application and should not prejudice our support or lack thereof for subsequent applications to improve access to parking lots in the core.
4. The comments of both the HSR and the City's Traffic Department were not crystal clear in their support of Mr. Fraleigh's application — our support is conditional on their being "on side";
5. Should there be any impediment to bus or pedestrian traffic our support would be withdrawn.

Thank you for your kind attention.

Yours truly,

A handwritten signature in black ink that reads "Marvin Caplan".
Marvin Caplan

c.c. Alderman McCulloch, Alderman Agro, Hazel Milsome (Public Works Dept., City of Hamilton), Murray Main (Director, Traffic Services, City of Hamilton), W.B. O'Brien (Director, Transportation Services, HSR).

Planning and Development
LOCAL PLANNING & DEVELOPMENT
File No. SEP 14 1993

TO	FROM	INIT.	INFO.	ACT.
JAG				
VM WM				
JPS ZL				
RECEIVED				

SEP 01 1993

Copy sent to V. Abraham, Director of Local Planning, Planning Department; P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 Sept 15

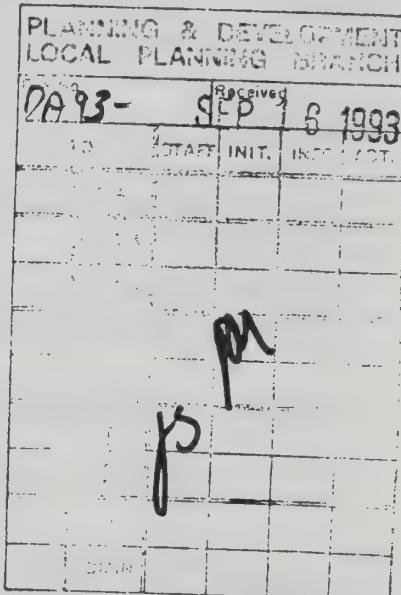
DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA

P.O. Box 91045
Effort Square Postal Outlet
Hamilton, Ontario L8N 4G3
Tel. and Fax (416) 523-1646

8.30.93

ALDERMAN DON DRURY, CHAIRMAN
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir:



This is to inform you that, provided the concerns of the HSR and other relevant City Departments have been resolved, the Downtown Hamilton Business Improvement Area supports the construction of a temporary entrance along James Street South to the parking lot located between the C.I.B.C. Tower and the Royal Bank Building.

Sincerely,

For the Board of Management
Marvin Caplan
Chair

c.c. Alderman William McCulloch
Alderman Vince Agro
Hazel Milsome, Public Works Dept., City of Hamilton
Murray Main, Director, Traffic Dept., City of Hamilton
W.B. O'Brien, Director of Transportation Services, HSR
Greg Fraleigh, c/o Grindstone Properties.

GRINDSTONE PROPERTIES LTD.
P.O.BOX 1120
WATERDOWN, ONTARIO -- LOR 2H0

689-7341

DA 92-14 SEP 14 1993

TO	STAFF INIT.	PROJ. EST.
✓A C.R.		
P.P. & A.		
NEIGH.		
DEV.		
✓M. S.U.C.		VM
✓MS 26		
CART.		
ADMIN		

September 14, 1993

Corporation of the City of Hamilton
Planning Dept.
71 Main St.
Hamilton, Ontario

Attention: Victor J. Abraham, MCIP
Director of Local Planning

Dear Sir:

Re: DA-91-35
Temporary James St. Driveway Approach
18-24 James St. S.

This will confirm our verbal comments regarding "reinstatement of the Temporary Approach".

We shall pay for the reconstruction of the existing sidewalk should it be deemed to be a problem.

Any "problem" shall be deemed as such after:

- i) Reasonable trial period
- ii) Reasonable ability to correct said problem
- iii) Determining bodies being Directors of both Local Planning and Traffic Services and HSR Director of Transportation Services

The last thing we would wish to see is any difficulty for our customers or any visitor in the Downtown Core.

We trust the aforementioned meets with your approval. Should you require any additional information, please do not hesitate to contact the writer.

Yours truly,
GRINDSTONE PROPERTIES LTD.



Greg Fraleigh
President

GF/kp

Ref: letters\abraham.prk

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

REF. NO. SEP 14/93

TO STAFF UNIT, INFO. ACT.

D.I.R.
P.P.A.
HEICHC.E.V.
E.A.U.G.

C.C.W.D.

EXIST. 3.5m CROSS WALK

PROPOSED 4.7m WIDE CURB CUT

EXIST. CURB AND GUTTER

ONE WAY →

EXIST. CURB AND GUTTER

ONE WAY ←

EXIST. CURB AND GUTTER

ONE WAY ↑

EXIST. CURB AND GUTTER

ONE WAY ↓

EXIST. CURB AND GUTTER

ONE WAY ←

EXIST. CURB AND GUTTER

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EXIST. CURB AND GUTTER

ONE WAY ←

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ONE WAY ↓

EXIST. CURB AND GUTTER

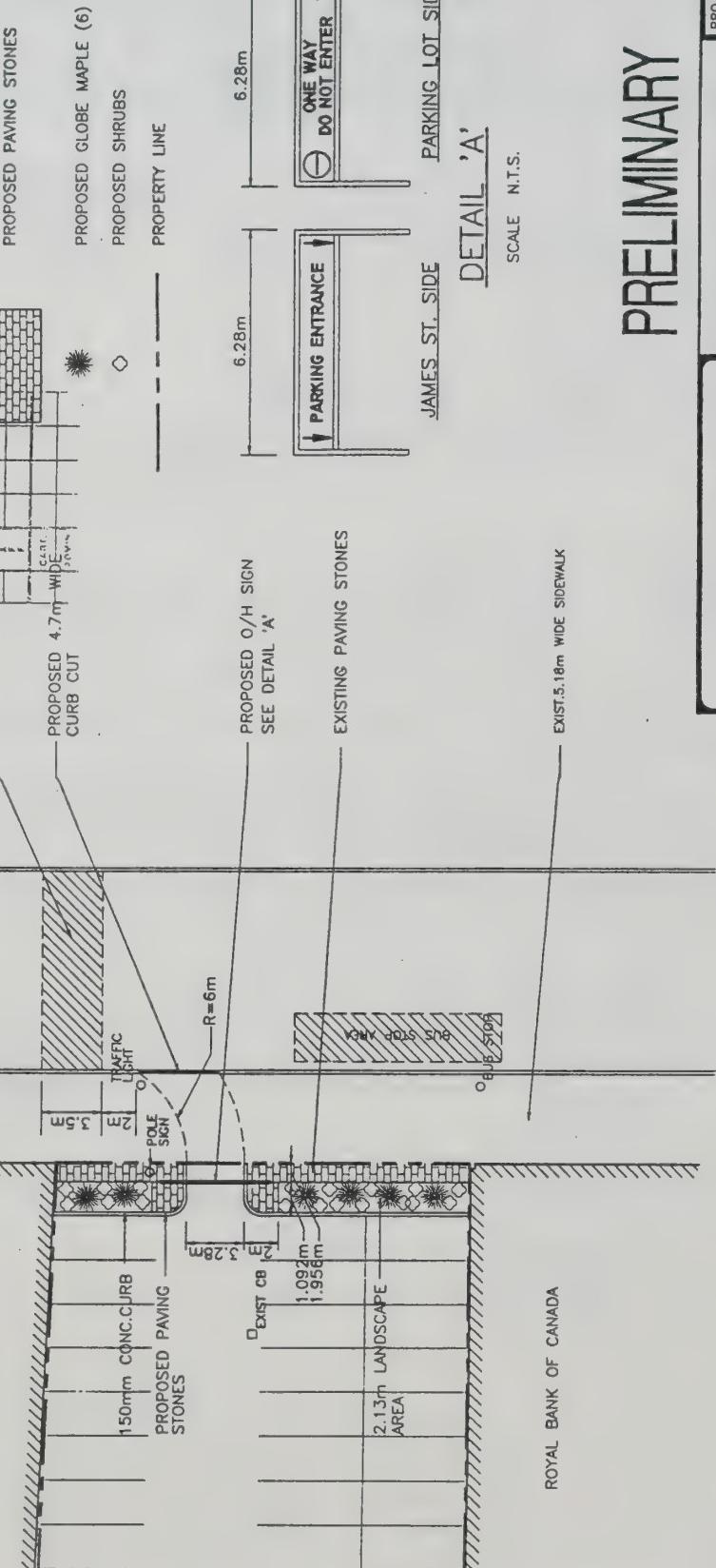
ONE WAY ←

EXIST. CURB AND GUTTER

ONE WAY ↓

JAMES STREET SOUTH

CANADIAN IMPERIAL BANK OF CANADA



PRELIMINARY



SITE PLAN

SCALE 1=200

GRINDSTONE PROPERTIES	PROJECT NO.
PROPOSED ENTRANCE FROM JAMES ST. SOUTH	934-38
CITY OF HAMILTON	DRAWING NO.
SCALE AS NOTED	DATE Sept. 9/93

3215 NORTH SERVICE RD.
BURLINGTON, ONTARIO L7R 3Z3
TEL: (905) 335-2253
FAX: (905) 335-1414
934-38-1-DWG
Sept. 14/93
0.25

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993 July 20



12-14 King Street East, Hamilton, Ontario, Canada L8N 4G9
Tel: (416) 528-7501

July 15, 1993.

RECEIVED

JUL 19 1993

CITY CLERKS

Corporation of the City of Hamilton,
City Hall,
71 Main St. W.,
Hamilton, Ontario,
L8N 3T4

TO WHOM IT MAY CONCERN:

Attention: Ms. Tina Agnello,
Secretary to the
Planning and Development Committee

Re: 18-24 James Street South Parking Lot

We understand that the operator of 18-24 James Street South Parking Lot, Grindstone Properties Ltd., is looking to have a Temporary Entrance off of James Street into the parking lot.

Our customers all too often are frustrated by their inability to find close and convenient access into parking lots in the downtown core.

The current economic climate and the diminishing consumer in the downtown core make it an absolute necessity for our customers to be given as few impediments as possible in their visits into this area of Hamilton.

We would, therefore, respectfully request permission be given to the creation of a Temporary Entrance only off of James Street into 18 - 24 James Street South Parking Lot.

This, we feel, can only enhance much needed business activity in the downtown core.

Yours truly,


G. W. Schultz,
Centre Manager.

CHAIRMAN:
ALDERMAN VINCE AGRO

MEMBERS:
ALDERMAN DOMINIC AGOSTINO
ALDERMAN FRANK D'AMICO



THE PARKING AUTHORITY OF THE CITY OF HAMILTON

80 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H6

PETER G. BAKER
GENERAL MANAGER

TELEPHONE: (416) 523-0878
FAX: (416) 523-0878

July 6, 1993

Mr. Greg Fraleigh
Grindstone Properties Ltd.
P.O. Box 1120, Waterdown, Ontario
L0R 2H0

Dear Mr. Fraleigh:

RE: ACCESS TO CARPARK ADJACENT ROYAL BANK MAIN BRANCH

This letter is to confirm that the Parking Authority would, if in your position, also be applying for a cut across the sidewalk on James Street South in order to more easily access the above carpark. When entrances are placed conveniently it cuts down significantly on vehicles circling city blocks looking for a place to stop.

Please call if you would like any further clarification on the above.

Peter G. Baker
Yours sincerely,
Peter G. Baker,
General Manager



GREATER HAMILTON REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

September 16, 1993

RECEIVED SEP 20 1993

603

Grindstone Properties Ltd.
P.O. Box 1120
Waterdown, Ontario
LOR 2H0

Project
Hamilton-
Wentworth
as a Regional
Centre

Retain and
Expand
Existing
Enterprises

Develop
Industrial Land

Foster Small
Business

Facilitate
Investment
Opportunities

Identify
Business
Partners

Attract People
and
Employment

Assist
Technology
and Skills
Development

Promote
Tourism and
Special Events

Attract
Conventions

Att: Greg Fraleigh

Dear Mr. Fraleigh:

RE: Vehicle Access Ramp - 18-24 James Street South, Hamilton

Further to our meeting of Monday, September 13, 1993 and based on the information provided to us, the Department has no objection to the construction of a temporary approach ramp to the subject property, permitting vehicle access only off James Street South.

The construction of this temporary access will serve to enhance business activity in the downtown core by providing readily accessible parking facilities.

Our primary concern and one which I understand is shared by a number of entities is to ensure that the entrance is properly marked and identified and does not impede pedestrian traffic utilizing this part of James Street South. We draw your attention to the sensitivity of this issue and I am certain that your organization, which is well experienced in managing parking facilities, will have the area properly designated so as to alert the pedestrian traffic of this possible change.

If we can provide any further information, please do not hesitate to give me a call.

Yours very truly,

Nick Catalano

Nick Catalano, Director
Economic Development Department

/clc

cc: Councillor Don Ross

ECONOMIC DEVELOPMENT DEPARTMENT

P.O. Box 910, Hamilton, Ontario, Canada L8N 3V9

1 James St. South, 3rd Floor, L8P 4R5

Tel: Business Development (416) 546-4447

Tourism and Convention Services (416) 546-4222

1-800-282-8500 Fax: (416) 546-4427

RECEIVED MAY 10 1993



1993 May 5

Mr. Greg Fraleigh
Grindstone Properties Ltd.
P.O. Box 120
Waterdown, Ontario
L0R 2H0

Dear Greg:

You recently asked us to reconfirm our comments some months ago regarding the possibility of an entrance being developed to a parking lot on the west side of James Street, south of King Street.

We have a bus stop located south of the proposed driveway entrance. A bus stopped at this location would encroach into the driveway approach by about 0.5 to 1.0 metres. There may be very occasional times, however, when there would be two buses at the stop or an articulated (i.e. 60 foot) bus would block the entrance. From an operational point-of-view, we would like to see this entrance as a "free-flow" entrance so that cars would not queue back onto the street, blocking southbound bus movement. I believe you indicated that you do intend to have this as a free-flow entrance or that you would provide internal storage space for cars stopping.

If you can accommodate the subject concerns, we would have no objections to the proposed driveway.

Yours truly,

A handwritten signature in black ink, appearing to read "W.B. O'Brien".

W.B. O'Brien, P.Eng.
Director of Transportation Services

WBO/cb

cc. Mr. Murray Main,
Director, Traffic Department

Jim Dahms, HSR

28

South Side

28 King Street East

Hamilton, Ontario

L8N 1A4

PARKING re B.I.A. DOWNTOWN

Mr. Greg Fraleigh

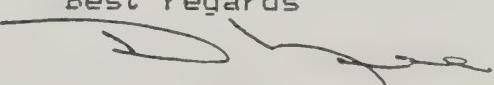
Dear Greg

Please be advised that as a concerned downtown Hamilton business we support any improvement to city core parking

The opportunity for vehicular traffic to be allowed to turn into 18-24 James St. while travelling south on James St. creates not only a convenient flow but would then establish the ONLY parking facility on the north side of James St. between Cannon St. and Hunter St. which we all realize Is the heart of Hamilton

Please present this logical request to the best of your abilities to allow this progressive variance to happen as soon as possible.

Best regards


David Lee
28 South Side

Chairperson
Parking -Traffic
Downtown B.I.A.

Please address reply to
the Manager



Canadian Imperial
Bank of Commerce
Commerce Place
1 King St. W.
P.O. Box 360
Hamilton, Ont.
L8N 3H4

July 13, 1993

Tina Agnello
Secretary, Planning & Development Committee
City of Hamilton
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Ms. Agnello:

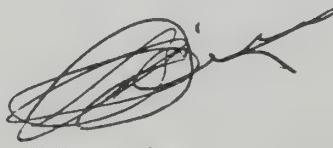
We have learned that Grindstone Properties Ltd. who operate the parking lot adjacent to the branch, intend to apply for an access to the parking lot from James Street South.

We are writing to indicate our support for such an entrance. At present, many visitors to the Downtown area are not aware of the present access to the parking lot. Due to the one way streets surrounding the lot, the lot is overlooked and parking is found elsewhere, often the visitor bypassing the Downtown area because of the alternatives of parking not found at the nearby lots.

In addition, many unauthorized vehicles temporarily stop along James Street South to access the nearby outlets.

It is our view that an entrance to this parking lot, from James Street South would accommodate visitors to the downtown area and reduce the number of unauthorized vehicles temporarily stopping in this area, which interferes with the bus traffic.

Yours truly,



A handwritten signature in black ink, appearing to read "S.A. Scime".

S.A. Scime
Manager

SAS:dh

312 Bay Street South
HAMILTON
Ontario
L8P 3J8

29 September 1993

Mr. D. Drury, Chairman,
and members of the
Planning and Development Committee
City Hall,
71 Main Street West,
Hamilton, Ontario

Dear Mr. Drury and members:

I am writing about an issue which is before you now - the temporary allowance of vehicular access from James Street South to the parking lot which now exists on the site of the former Robinson's store on James Street South, next to the CIBC building.

I understand that this has become a contentious issue: some would argue that there should be no access to parking from those streets abutting the Gore, others believe that reasonable access should be available to shoppers and those on business. I fall into the latter group and because I cannot be with you at your meeting I am recording my concerns to you.

As Chairman of the City's Urban Design Committee, I am the first to suggest that parking lots should be discreetly landscaped; that their standards of design and maintenance should be such that they are safe for disabled users and pedestrians; and that regulations need to be in place to ensure that parking facilities in areas under active development do not look like they are diseased and abandoned. These are planning issues and perspectives.

However, while we are planning our city - and particularly our core area - we need to keep in mind that the plan must provide for active retail sales and non-retail business activity to be accomplished in a manner which encourages it rather than discourages it.

I refer you to the title of your committee - Planning "AND DEVELOPMENT". It is important that whatever "planning" decisions are taken, "development" not be ignored. The development of a vital downtown core requires amenities for pedestrians - landscaping, resting areas, pedestrian priority areas, active retail interaction adjacent to walking areas, and so on. But it is imperative that your planning decisions include consideration of those who arrive to do business in the core, not just those who work downtown.

more ...

Revitalization of the core requires ease of access and egress for vehicles close to places of business. As a result, for example, we encourage new buildings to provide underground parking.

In this case, I believe that a denial of this request for access only (no egress) restrains business opportunity in the area at the west end of the Gore, particularly for those in business offices.

I understand also that this request is for a temporary permission only and this fact must be recognized. When a new building is constructed, the privilege would be terminated since underground parking would be provided.

We do not need bureaucratic restraint on business development in our community, particularly commercial business now that our primary industrial base is significantly eroded, possibly never to return to its previous levels.

I urge you to consider the business people of our downtown core and their needs when it comes to attracting, doing and keeping business. Should we fail to provide for their needs, we shall see a flight from our downtown location to other municipalities such as Burlington, a process which is already underway.

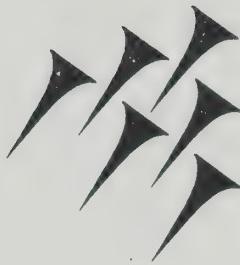
Sincerely,



Peter L. Hill

P.S. It should be recorded that I was unable to be in attendance at the recent Urban Design Committee at which this was reviewed and a collective opinion formed. I do not wish to cast any shadow over the committee decision. The contents of this communication are my very strong personal beliefs reflecting my feeling that the economic viability of the downtown core must be of serious concern.

Further, to prevent proliferation of such approvals, I would recommend that the approval your committee gives should be worded in such a way as to limit the possibility of additional approvals.



September 14, 1993

Ms Tina Agnello
Secretary
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, ON L8N 3T4

Dear Ms Agnello:

We understand that Grindstone Properties Ltd. is requesting a temporary entrance off James Street into the parking lot which they operate at 18-24 James Street South.

This would represent a convenience for our patrons, and we fully support this request. Such an entrance would make these facilities much more accessible to our public and the general public and would, to some degree, serve to alleviate the considerable parking problem which exists in the downtown core.

We hope that the requested access will be granted.

Yours sincerely,

Seymour Wigle
Seymour Wigle
President



ADASON
PROPERTIES LIMITED

July 13, 1993

A Subsidiary of
The Canada Life
Assurance Company

City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mrs. Tina Agnello, Secretary
Planning & Development Committee

Dear Mrs. Agnello:

Re: Temporary James Street Access - 18-24 James St. S., Hamilton

Please be advised that we have investigated for some time the traffic flows and requirements associated with our enjoyment of One King Street West with a view towards determining the necessity to obtain temporary access from James Street into the subject parking area.

After investigating this matter in some detail, it would be our preference to have short term access only into this area in order to facilitate access for our tenants and their visitors. I understand you are considering this matter and I would like to provide my support for any application to entertain this temporary facility.

Thank you for your kind attention in this regard.

Yours very truly
ADASON PROPERTIES LIMITED

David A. House
Director of Project Development
Operations and Administration
/ah
cc: Greg Joel, Property Manager
Elaine Mactaggart, Adason



Midland Walwyn Capital Inc.
1 King Street West
5th Floor
Hamilton, Ontario
Canada L8P 1A4
Tel (416) 525-6363
Fax (416) 525-9602

July 15, 1993

City Hall
71 Main Street, West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Tina Agnello
Secretary to the Planning & Development Committee

To Whom it May Concern:

Re: 18 - 24 James St. S. Parking Lot

We understand that the operator of 18 - 24 James St. S Parking Lot, Grindstone Properties Ltd., is looking to have a Temporary Entrance off of James Street into the parking lot.

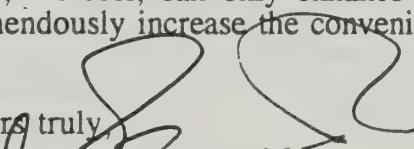
Our clients all too often are frustrated by their inability to find close and convenient access into parking lots in the downtown core.

The current economic climate and the diminishing consumer in the downtown core make it an absolute necessity for our clients to be given as few impediments as possible in their visits into this area of Hamilton.

We would, therefore, respectfully request permission be given to the creation of a Temporary Entrance Only off of James Street into 18 - 24 James St. S. Parking Lot.

This, we feel, can only enhance much needed business activity in the downtown core and tremendously increase the convenience to our clients.

Yours truly,


Nizar Esmail
Branch Manager
Senior Vice-President

NE/jh

MCLELLAND & DEAN

BARRISTERS AND SOLICITORS

JOHN F. MCLELLAND, B.A., QC. (1956-1985)
JOHN M. DEAN, B.A., LL.B.

ASSOCIATES:

JOHN HUNT NOLAN, B.A., LL.B.
DERMOT P. NOLAN, B.A., LL.B.
M. CONSTANCE McLEAN, B.A.
PATRICK J. MAZUREK, B.A., LL.B.

JOHN R. BECKETT, QC.
KEVIN M. MCKENNA, B.A., LL.B.
JOSEPH MAZIARZ, B.A., LL.B.

SUITE 700, COMMERCE PLACE
ONE KING STREET WEST
HAMILTON, ONTARIO
L8P 1A4
TELEPHONE - AREA CODE 416
OFFICE - 522-9261
FAX - 527-6286

July 14th, 1993.

Planning & Development Committee,
City Hall,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

ATTENTION: Tina Agnello
Secretary

RE: 18-24 JAMES STREET SOUTH, HAMILTON
PARKING LOT

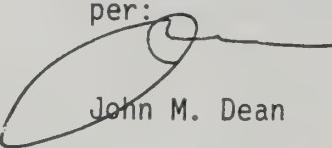
Dear Sirs:

We very much support the application of Grindstone Properties Ltd. to have an entrance to this parking lot off James Street. Although this parking lot is located immediately next to our office, the present entry off of MacNab Street is often cumbersome for our clients and difficult to find. Having access from both James and MacNab would be a big improvement.

City planners should, in my view, do all in their power to make doing business in the downtown core more convenient and this is one positive step that could easily be made.

Yours truly,

MCLELLAND & DEAN
per:


John M. Dean

JMD:gs
c.c.--Greg Fraleigh
Grindstone Properties Ltd.

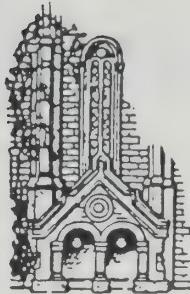
"THE CHURCH IN THE HEART OF HAMILTON SINCE 1868"

The Centenary Church

The United Church of Canada

24 MAIN STREET WEST, HAMILTON, ONTARIO L8P 1H2
TELEPHONE 522-6843

"DIAL-A-THOUGHT" - YOUR DAILY LIFT FOR LIVING - 528-5161



REV. MARTIN G. RULE, MINISTER
REV. JOHN PORTER, ASSISTANT MINISTER
REV. LESLIE S. MOTT, MINISTER EMERITUS
~~OLIVE MURKIN (MRS. D.), EXECUTIVE SECRETARY~~
MR. CHRISTIAAN TEEUWSEN
DIRECTOR OF MUSIC

July 13, 1993.

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Ms. Tina Agnello, Secretary,
Planning and Development Committee,
The City Hall,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4.

Dear Ms. Agnello:

The Official Board of the Centenary United Church, 24 Main Street West, Hamilton, Ontario would be pleased to let it be known that it is in favour of a temporary entranceway being established from James Street South into the parking lot situated on 18-24 James Street South in Hamilton, Ontario. We understand that this is for an entranceway only.

Yours sincerely,

Martin Rule

Rev. Martin Rule
for the Official Board,
Centenary United Church,
Hamilton, Ontario.



ROYAL BANK

RECEIVED MAY 14 1993

Royal Bank of Canada

Head Office

Royal Bank of Canada Building, P.O. Box 6001
Montreal, Quebec H3C 3A9

May 7, 1993

City Clerks Department
City of Hamilton
71 Main St. W.
Hamilton, Ontario
L8N 3T4

RECEIVED

SEP 2 1993

CITY CLERKS

Attention: Ms. Tina Agnello
Secretary to the Planning &
Development Committee

Dear Sirs:

We hereby respectfully request that a "temporary access only" be permitted from James Street South onto our property at 18-24 James Street South. Our Lessee, Grindstone Properties Limited will be processing the application on our behalf.

The parking lot, with its only access being from Mcnab Street, is not receiving as much use as it could with a James Street entry. Furthermore, it would also be in the interest of downtown business and therefore the City, to encourage maximum use of all available downtown parking facilities.

We look forward to receiving your favourable response to our request.

Yours truly,

CANADIAN REALTY REVENUES PROPERTIES LTD.

A.G. Campbell
President

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA
P.O. Box 91045
Effort Square Postal Outlet
Hamilton, Ontario L8N 4G3
Tel. and Fax (416) 523-1646

09.15.93:

ALDERMAN DON DRURY, CHAIRMAN
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir:

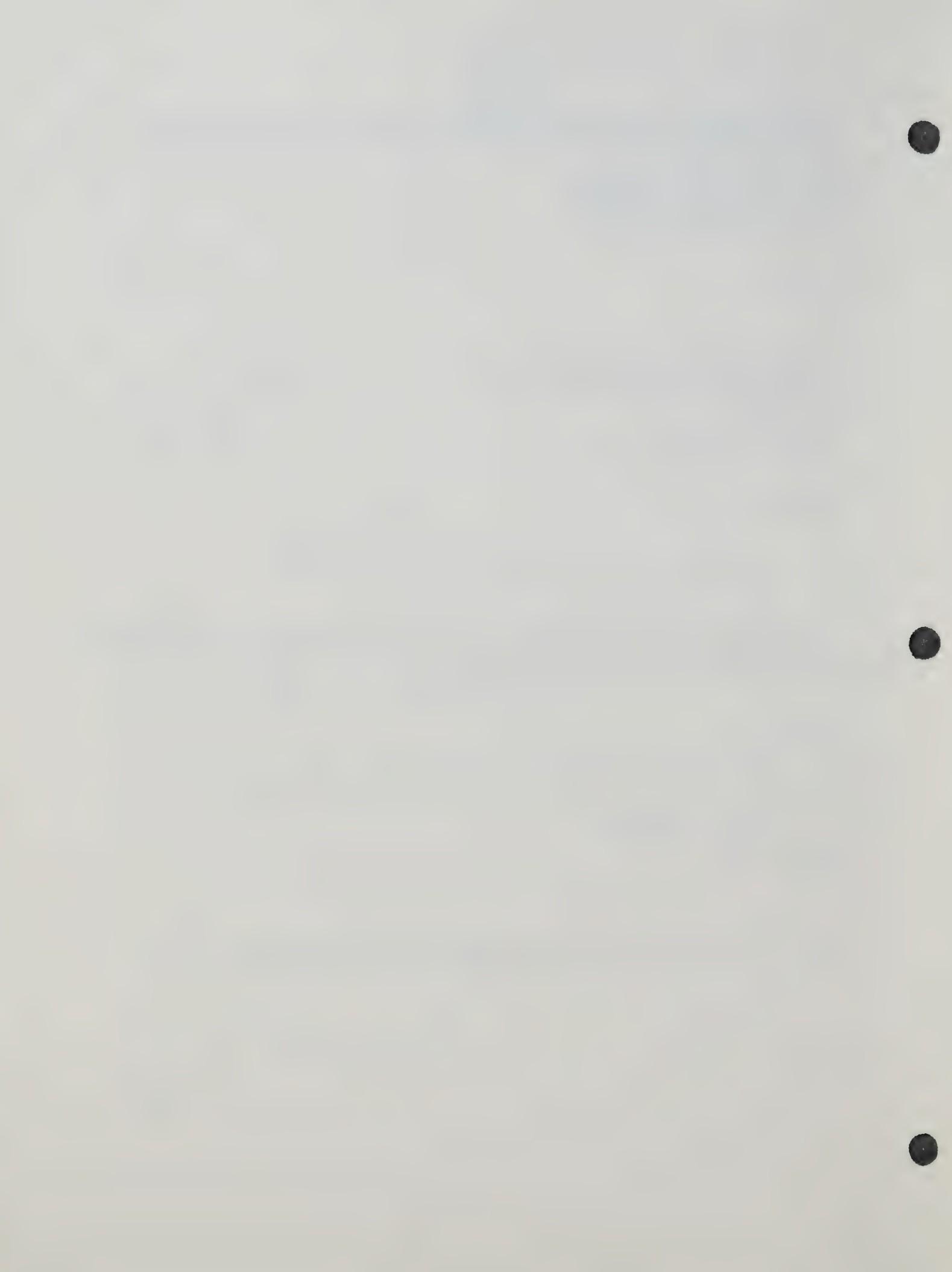
This revises the letter of 8.30.93.

The Downtown Hamilton Business Improvement Area supports the construction of a temporary entrance along James Street South to the parking lot located between the C.I.B.C. Tower and the Royal Bank Building.

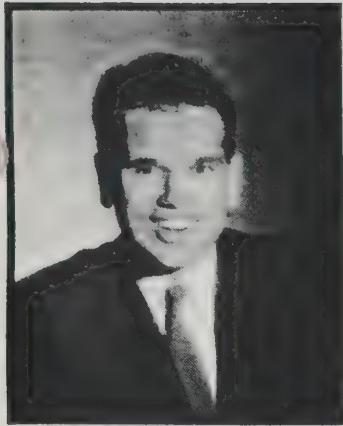
Sincerely,

For the Board of Management
Marvin Caplan
Chair

c.c. V.J. Abraham, Director of Local Planning, Region of Hamilton-Wentworth



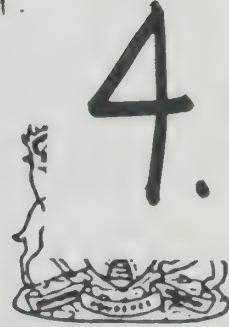
P.D. 1993 exp 12/2
Tabled.



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1993 August 23

RECEIVED

Mrs. T. Agnello, Secretary,
Planning and Development Committee

AUG 24 1993

CITY CLERKS

Dear Tina:

I would appreciate it if you could place on the agenda of the next Planning and Development Committee meeting an item regarding our By-Law No. 77-224, stating that pumps and filters for swimming pools must be five metres from the rear and front property line and 2.4 metres from the side property line.

This By-Law was recently changed and I understand clearly the reasoning as to the pumps because they are noisy. However, the filters make no noise whatsoever and are usually large and what this type of By-Law is doing is making it impossible for people with small backyards to install a pool.

I believe that the By-law should be revised in order to keep the distance that it is now stated for the pumps but to reduce significantly the distance for the filters.

Please notify me when this will be dealt with.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. Mr. L. Harvey, Building Department
Mr. V. Abraham, Planning Department
Alderman D. Drury
Mrs. Uzarowski, 56 Ellen

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 16, 1993

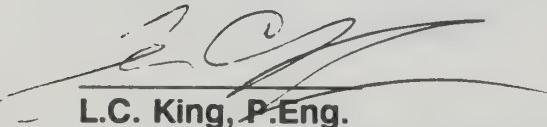
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Zoning By-law #6593 - Section 18.(4)(v) -
Swimming Pool Pumps, Heaters, and Filtering
Equipment
(93.5.4, 93.2.4.2.1.A)

RECOMMENDATION:

That the Planning and Building Departments be directed to prepare a report in consultation with industry representatives for consideration of an amendment to the zoning by-law respecting swimming pool pumps, heaters, and filtering equipment.



L.C. King, P.Eng.

LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In 1992, Zoning By-law #6593 was amended to regulate swimming pool pumps, heaters, and filtering equipment in a similar manner as air conditioning equipment. The by-law in its present form regulates as follows:

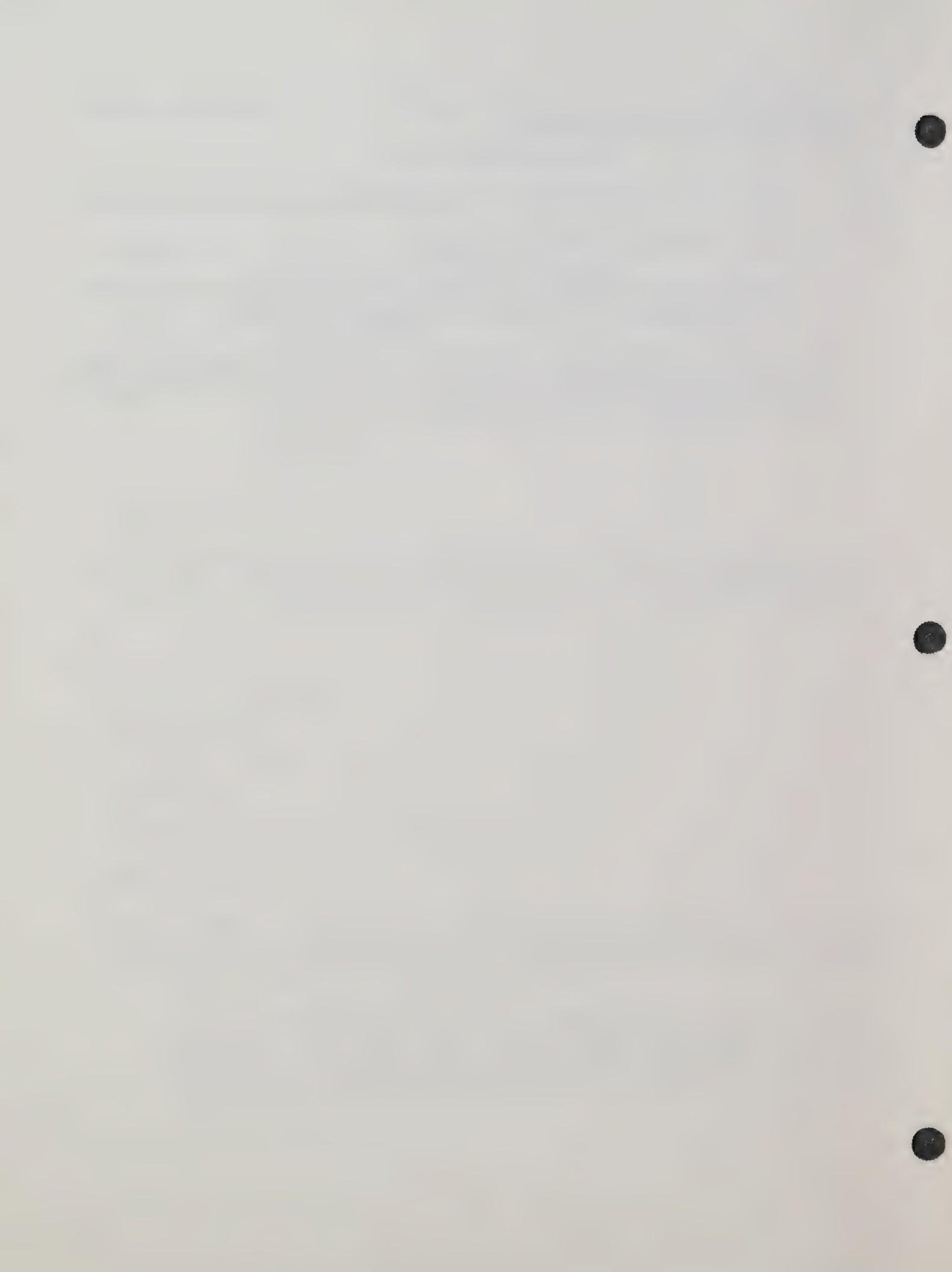
18.(4)(v) Notwithstanding any other provision of this By-law, a swimming pool pump, swimming pool heater, filtering equipment, central air conditioning unit, window air conditioning unit or heat pump in a residential district shall be distant not less than,

(a) 5.0 metres measured from the front lot line or the rear lot line; and

(b) 2.4 metres from the side lot line,

of the property on which the swimming pool pump, swimming pool heater, filtering equipment, air conditioner or heat pump is situate.

The Department has received requests from both elected officials and industry representatives to examine the suitability of the regulation as in some cases setback requirements are difficult to achieve.



PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1993 OCTOBER 6

CONSENT AGENDA

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee meeting held 1993 September 22

B. **SECRETARY, LACAC**

St. Clair Avenue Heritage District Advisory Committee - Appointment of Members

C. **BUILDING COMMISSIONER**

(a) **Demolition Permits:**

- i. 1328 Upper Wellington Street
- ii. 70 Chestnut Avenue

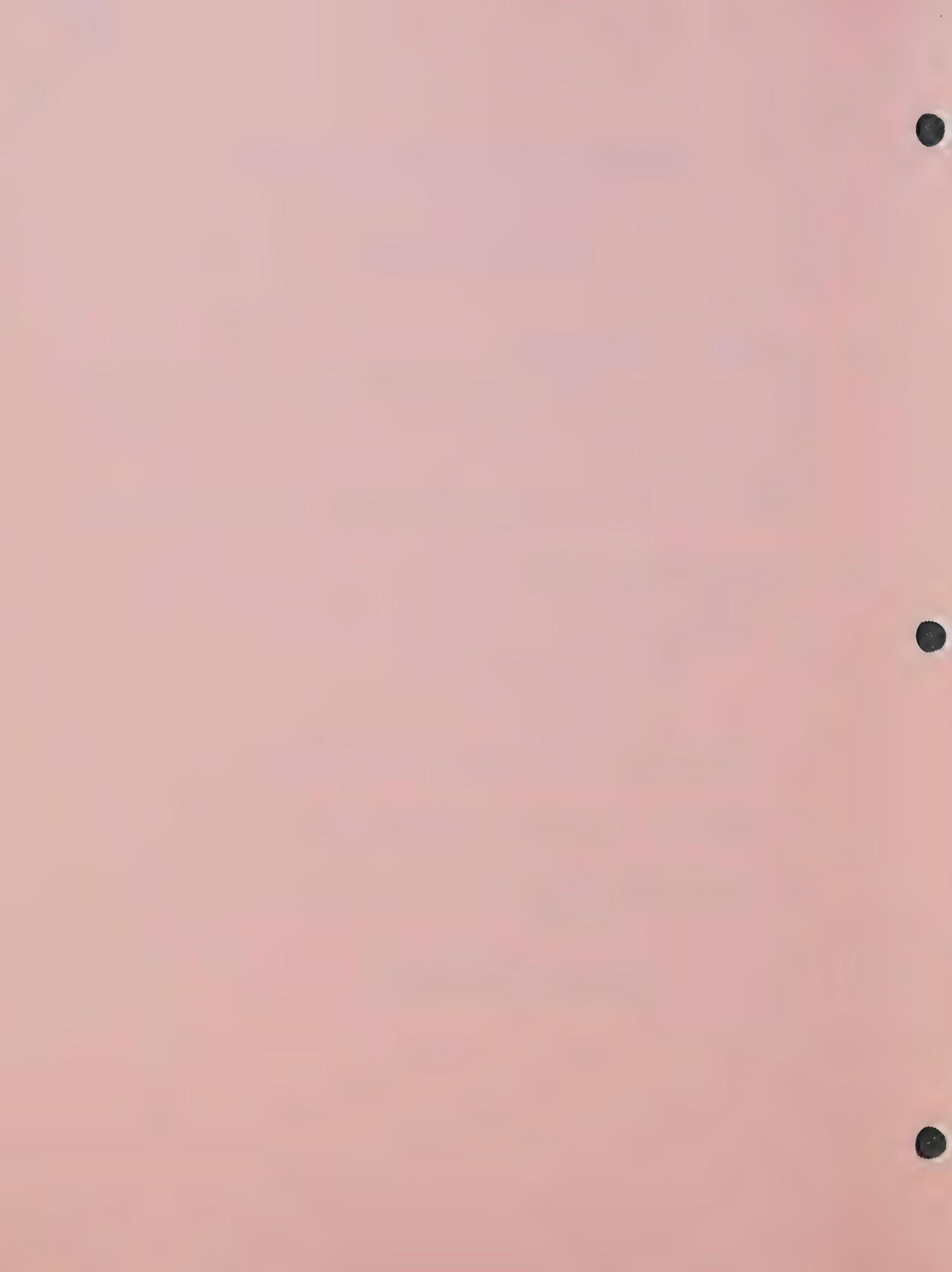
(b) **Commercial Loan Programme - 326 Ottawa Street North**

D. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Application to remove part-lot control from Lots 2-30 inclusive, "Rymal Square Estates, Phase IV", subdivision

E. **SECRETARY, PLANNING AND DEVELOPMENT**

Information Items



A

Wednesday, 1993 September 22
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling
Alderman Wm. McCulloch

Regrets: Mayor Robert M. Morrow

Also Present: Alderman T. Jackson
Alderman D. Agostino
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Roland Karl, Traffic Department
Eugene Chajka, Roads Department
Art Zuidema, Law Department
Peter Lampman, Building Department
Brian Allick, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 92-25, Anwar Zurar, owner, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 855 Upper Horning Road; Gurnett Neighbourhood**

No one was present in favour or opposed to the application.

As recommended by the Commissioner of Planning and Development in a report dated 1993 September 9 the Committee recommended to Council as follows:

That approval be given to Zoning Application 92-25, Anwar Zurar, owner, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit future development for single-family dwellings, for the property located at 855 Upper Horning Road, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. Proposed Draft Plan of Subdivision 25T-91009 and amended Zoning Application 93-09, F. Toth., T. DiFranco and A. Cocca, owners, for changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for Block "1" and to "C" (Urban Protected Residential, etc.) District for Block "2", for lands located at Nos. 478 and 488 Rymal Road East; Chapple East Neighbourhood

Mr. Toth was present on behalf of the applicants.

Paul Mallard advised that the applicants proposed to change the use from agriculture to 2 "C" lots and 12 "B" lots. All concerns of the Planning Department have been met.

As recommended by the Commissioner of Planning and Development in a report dated 1993 September 14 the Committee recommended to Council as follows:

- A. That approval be given to Amended Zoning Application 93-09, Frank Toth, Tony Di Franco and Angelo Cocca, owners, requesting changes in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District for Block "1", and to "C" (Urban Protected Residential, etc.) District for Block "2", to permit single-family development, on property located at Nos. 478 and 488 Rymal Road East, shown as Blocks "1" and "2" on the attached map marked as Appendix "B", on the following basis:
 - (a) That Block "1" be rezoned from "AA" (Agricultural) District to "B-2" (Suburban Residential) District;
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That approval be given to application 25T-91009, "Arrowhead Heights of Rymal", Frank Toth Construction and Angelo Cocca, owners, to establish a draft plan of subdivision, on lands located south of Rymal Road East and east of Upper Wentworth Street in the Chapel East Neighbourhood, subject to the following conditions:
 - (a) That this approval apply to the plan, as revised in red, prepared by J.P. Woolley, O.L.S., dated June 4, 1991, now showing 15 lots for single family dwellings.
 - (b) That Street "A" be established to its full width of 20.00m in front of Lots 1 to 7 (inclusive) and Lots 14 and 15.
 - (c) That sufficient land be dedicated to the Region, for road widening purposes, to establish the property line 18.29 m from the centre line of the original Rymal Road road allowance.

- (d) That a 2.0m x 2.0m day light triangle be established on the L-shaped Corner of Lot 1.
 - (e) That the S-bend curve on Arrowhead Drive, east of Street "A", be revised to accommodate a 250.0 centre line radius transition and a minimum tangent section between the curves of 15.0m (see attached plan).
 - (f) That 0.30m reserves be established at the dead-ends of Street "A" and Arrowhead Drive and along the open side of Street "A", and these 0.30m reserves are to be conveyed to the City of Hamilton.
 - (g) That the Final Plan not be registered until Arrowhead Drive from Upper Wentworth Street to the west limit of this subdivision has been opened by By-law.
 - (h) That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 - (i) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (j) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (k) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 - (l) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 - (m) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (n) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - (o) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- C. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91009), Frank Toth, Tony Di Franco and Angelo Cocca, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

3. CONSENT AGENDA**A. ADOPTION OF THE MINUTES**

The minutes of the Planning and Development Committee meeting held 1993 August 25 were approved as circulated.

REPORTS

The Planning and Development Committee forwarded to Council recommendations of various reports in the consent agenda as follows:

B. DIRECTOR OF PUBLIC WORKS**Downtown Hamilton B.I.A. - Revised Board of Management dated 1993 August 26:**

- (a) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Downtown Promenade B.I.A.:

John Saltis	Trust Leather
Angelo Morgante	The Adventure Attic

- (b) That the City Solicitor be authorized and directed to amend By-law No. 93-065 pursuant to (a) above.

C. BUILDING COMMISSIONER**(a) Emergency Loan Programmes dated 1993 September 2:**

- i. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and forty-eight dollars, (\$1,948.) be approved for Agnes McEwen, 129 Auburn Avenue, Hamilton. The interest rate will be 8 percent amortized over 5 years.
- ii. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand three hundred and fifty (\$1,350.) be approved for Audrey Dryden, 76 Knyvet Avenue, Hamilton. The interest rate will be 9 percent amortized over 5 years.

(b) Demolition of 283 MacNab Street North dated 1993 September 19:

That the Building Commissioner be authorized to issue a demolition permit for 283 MacNab Street North.

(c) Commercial Loan Programme - 1045 King Street West dated 1993 September 13:

That a Commercial Loan in the amount of fifteen thousand dollars (\$15,000.) be approved for Paul Snider and Shelagh Mary Snider. The interest rate will be 2 7/8 percent amortized over 10 years.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Site Plan Control Application DA-93-23 for construction of columbarium at Garden Niche Complex of White Chapel Memorial Gardens Cemetery at 1895 Main Street West dated 1993 September 12:

That approval be given to Site Plan Control Application DA-93-23 for construction of columbarium at 1895 Main Street West, and that the owner not be required to sign the undertaking on the approved plans nor provide securities for the project, and that notice of the decision be published in accordance with the requirements of the Cemeteries Act.

Prior to voting on the motion, Alderman Kiss asked about Niagara Escarpment Commission involvement.

Mr. Abraham advised that this application is to be processed under the Cemeteries Act and an ad will be placed in the paper.

- (b) Authorization for a public meeting for requested land use changes and deletion of a portion of the proposed road pattern - Crerar Neighbourhood

The Committee approved that the following recommendation dated 1993 September 14 as follows:

That the owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested land use changes and deletion of a portion of the proposed road pattern.

Alderman Merling expressed concern regarding the lengthy process required for approval.

- (c) Authorization for a public meeting regarding requested deletion of the proposed walkway between Lots 61-62 Harbottle Court - Gourley Neighbourhood

The Committee approved the following recommendation dated 1993 September 14 as follows:

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested deletion of the proposed walkway.

E. SECRETARY, PLANNING AND DEVELOPMENT

As recommended in a report dated 1993 September 16, the Committee received the following reports and correspondence for information purposes:

- (a) Bob Mackenzie, MPP Re: Report of the Advisory Committee on GO Transit distributed 1993 August 20
- (b) Town of Ancaster - Notice of Public Meeting Re: Temporary Use By-laws distributed 1993 September 13
- (c) Notice of Public Meeting Re: Fessenden Neighbourhood - To consider the proposed walkway closure between Fonthill Road and Upper Paradise Road distributed 1993 September 13

- (d) Commissioner of Planning and Development Re: Approved Site Plan Control Application distributed 1993 September 15
- (e) Niagara Escarpment Commission Re: Development Permits distributed 1993 September 16.

PUBLIC MEETING (CONTINUED)

- 4. Zoning Application 93-19, Dr. S. Marcogliese, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, for property located at No. 792 Upper Gage Avenue; Macassa Neighbourhood

Dr. S. Marcogliese was present in support of his application.

As recommended by the Commissioner of Planning and Development in a report dated 1993 September 14 the Committee recommended to Council as follows:

- A. That approval be given to amended Zoning Application 93-19, Dr. Steve Marcogliese, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit a dental office within the existing building, for the property located at No. 792 Upper Gage Avenue, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - i. That notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - 1) a dental office, only within the existing building and having a maximum gross floor area of 234.0 m² (2519. S.F.);
 - 2) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - 3) an unlighted ground sign having an area of not more than 0.74 square metres and shall be located not less than 3.0 m from the nearest street line.
 - ii. That notwithstanding Section 18A.(24)(b)(i) of Zoning By-law No. 6593, the access/egress driveway within the limits of the drive-through garage shall not be less than 4.5 m in width;
 - iii. That notwithstanding Section 18A.(11) of Zoning By-law No. 6593, a minimum 2.0 m wide landscape planting strip shall be provided and maintained along the northerly and westerly lot lines;

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1315, and that the subject lands on Zoning District Map E-38 be notated S-1315;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38 for presentation to City Council;
 - (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.

The Committee was in receipt of submissions from:

James Huishelwood, 1 East 39th Street, Peter K. Hayan, 968 Concession Street,
Jim Havile, 970 Concession Street

5. PREVIOUSLY TABLED ZONING APPLICATION

- (a) Zoning Application 93-20, Mr. and Mrs. Trikas, owners, for a change in zoning from "C" District modified, to "G-4" District modified, on lands known as 952-954 Concession Street; Raleigh Neighbourhood

The Committee was in receipt of a revised report from the Commissioner of Planning and Development dated 1993 September 14.

The Committee was in receipt of submissions from:

- (a) James Huishelwood, 1 East 39th Street
(b) Peter K. O'Hagan, 968 Concession Street
(c) Jim Harvie, 970 Concession Street

Mr. Trikas was present in support of his application.

Alderman Wilson did not support the application based on the fact that it is located at a busy intersection and access from a park.

Alderman Eisenberger supports the restaurant use because a restaurant previously existed in the same location.

Alderman Jackson added that the applicant is prepared to delete reference to video store in this location. He stated that the Trikas family are long term residing in this area and that the Committee of Adjustment has previously permitted restaurant use in this area.

The Committee approved an amended application to delete video stores and allow restaurant use to a maximum of 25 seats and recommend to Council as follows:

That approval be given to amended Zoning Application 93-20, Mr. and Mrs. M. Trikas, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District modified, to permit additional commercial uses, on lands known as 952-954 Concession Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That Section 1 of By-law No. 92-032 applicable to the subject lands be repealed in its entirety.
- (b) That Section 3 of By-law No. 92-032 applicable to the subject lands be amended by removing the words "'C' District and" in the third line, and remove the "s" at the end of the word "sections", and "1 and" in the fourth line, so that this Section will now read as follows:

"No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 2."

- (c) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-4" (Designed Neighbourhood Shopping Area) District.
- (d) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - i. Notwithstanding Section 13D(1), the uses shall be permitted within the existing building only;
 - ii. Notwithstanding Section 13D(1)(B), the following additional commercial uses shall be permitted within the existing building only:
 - a business or professional person's office;
 - a judo/karate club;
 - a florist;
 - a drapery and blinds store;
 - a pet store; and,
 - a self-service laundry.
 - iii. Notwithstanding Section 13D(1)(B)(iv), a restaurant or refreshment room without dancing or other entertainment except music shall be permitted within the existing building only, with a maximum seating capacity of 25 seats.

iv. Notwithstanding Section 13D(1)(B), the following commercial uses shall be prohibited:

- a restaurant or refreshment room;
- an outdoor patio; and,
- a gun shop.

v. Section 18A(27) of By-law No. 6593 shall not apply.

- (e) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1214a, and the subject lands on Zoning District Map E-35 be notated S-1214a;
- (f) The City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

* Alderman Merling and Alderman Wilson opposed.

6. BUILDING COMMISSIONER

Parking of Recreational Vehicles, House Trailers and Boats in Residentially Zoned Areas

The Committee was in receipt of the following submissions:

- (a) Mary Norris, 286 Inverness Avenue East, Hamilton dated Sept. 12, 1993
- (b) Mary Norris, 286 Inverness Avenue East, Hamilton dated Sept. 5, 1993
- (c) Mrs. D. Smith, 353 Eaglewood Drive, Hamilton
- (d) Dr. Andrew Dedo, 230 Rountree Drive, Hamilton

The Chairperson advised that a 61 page petition has been submitted in favour of an amendment to the City by-laws to allow Recreational vehicles to be parked in residential areas.

Mr. Lampman advised that based on multiple complaints inspections were carried out and people were issued orders to comply with an extension to October 1993. In the interim alternatives are being investigated.

Alderman Wilson suggested a public meeting take place on the matter.

Alderman Merling gave a brief history of the present by-law and why these vehicles are not permitted in residential areas.

A discussion ensued regarding the process. Members of the Committee were not pleased that multiple complaints have been reported by one person. Members requested a legal opinion regarding mass complaints.

Alderman Eisenberger suggested that variances or allowances be permitted. He is in favour of storing these vehicles in the side or rear yards. He was not in favour of a public meeting. Alderman Charters concurred.

Alderman Agostino was concerned that the complaints are personal in nature and that they are neighbour disputes. He is also in favour of a public meeting to be held in Spring 1994. Alderman D'Amico concurred.

Alderman Merling clarified that any change to the zoning by-law will require a public hearing.

Alderman Charters cautioned about making changes since in some locations recreational vehicles cause problems while in others there are not disturbances. Alderman Jackson concurred and added that the integrity of the by-law must be maintained.

Alderman Eisenberger suggested that other large vehicles such as buildings, large trucks and buses also be considered in the report.

Following discussion the Committee approved the recommendation dated 1993 September 14 as follows:

That the Building and Planning Departments be directed to prepare a report for the Planning and Development Committee for consideration of an amendment to Zoning By-law #6593 respecting the parking of mobile homes, recreational vehicles, house trailers, fifth wheels, and boats in residentially zoning districts.

PREVIOUSLY TABLED ZONING APPLICATION (CONTINUED)

7. Zoning Application 93-18, 304 Victoria Avenue North Holding Ltd. (Dr. N. Gagic, President), owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District, for property located at No. 304 Victoria Avenue North; Landsdale Neighbourhood

A submission was received from Bernard and Kim Ryan, 311 East Avenue North, Hamilton.

Ms. Pat Gagic was present on behalf of the applicant.

As recommended in a report dated 1993 August 3 the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-18, 304 Victoria Ave. N. Holdings Ltd., (Dr. N. Gagic, President), owner, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit an accessory coffee shop use to be located within the basement of the existing building, located at No. 304 Victoria Avenue North, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-Law No. 86-121, applicable to the subject lands, be further modified to include the following variances as special requirements:
- (b) That Subsection (c) of Section 2. of By-Law No. 86-121 be repealed in its entirety and substituted with a new Subsection (c) as follows:

i. notwithstanding subsection 14(1) of By-Law No. 6593, the use of the basement shall be limited to the following:

(i) Accessory Uses:

1. a restaurant (coffee shop), provided that:
 - a) it shall have a maximum gross floor area of 65 m²;
 - b) it shall have access only from within the interior of the building; and
 - c) no indication of the existence or availability of any such use whether by way of a sign, display, or otherwise shall be visible from the outside of the building.
 2. storage and utilities.
- (c) That subsection (f) of Section 2. of By-Law No. 86-121 be amended by deleting the word "and" after 4(c), and adding the phrase "and 4(f)" after 4(i), all in the second line, so that it reads as follows:
- (f) Notwithstanding paragraphs 4(a), 4(c), 4(i) and 4(f) of Table 1 of clause 18A(1)(a) of By-Law No. 6593, a minimum of 93 parking space shall be provided and maintained;
- (d) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-940a, and that the subject lands on Zoning District Map E-12 be notated S-940a;
- (e) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593, and Zoning District Map E-12 for presentation to City Council;
- (f) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

8. REQUEST FOR RECONSIDERATION

Louis Agro, owner, 105 Park Street North - Demolition Permit

Alderman McCulloch stated that there is no reason why the demolition permit should be delayed.

As recommended by the Building Commissioner in a report dated 1993 August 17 the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 105 Park Street North.

9. **ALDERMAN D. AGOSTINO** - Swimming Pool Pumps, Heaters and Filtering Equipment

The Committee was in receipt of report from the building Commissioner dated 1993 September 16.

The Committee moved to table this item to the next regular meeting.

10. **OTHER BUSINESS**

None.

11. **ADJOURNMENT.**

There being no further business the Committee Meeting adjourned.

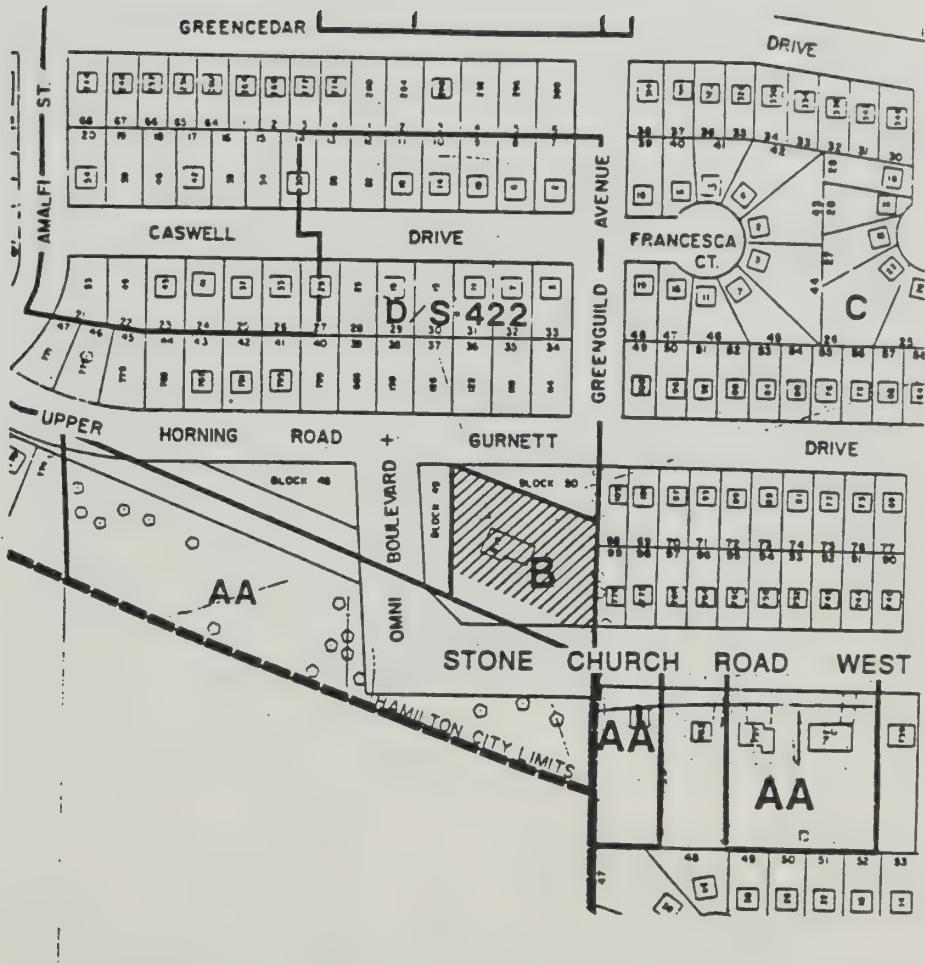
TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

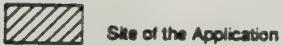
Tina Agnello
Secretary

1993 September 22

Appendix "A" as referred
to in Section 1 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 Sept. 22

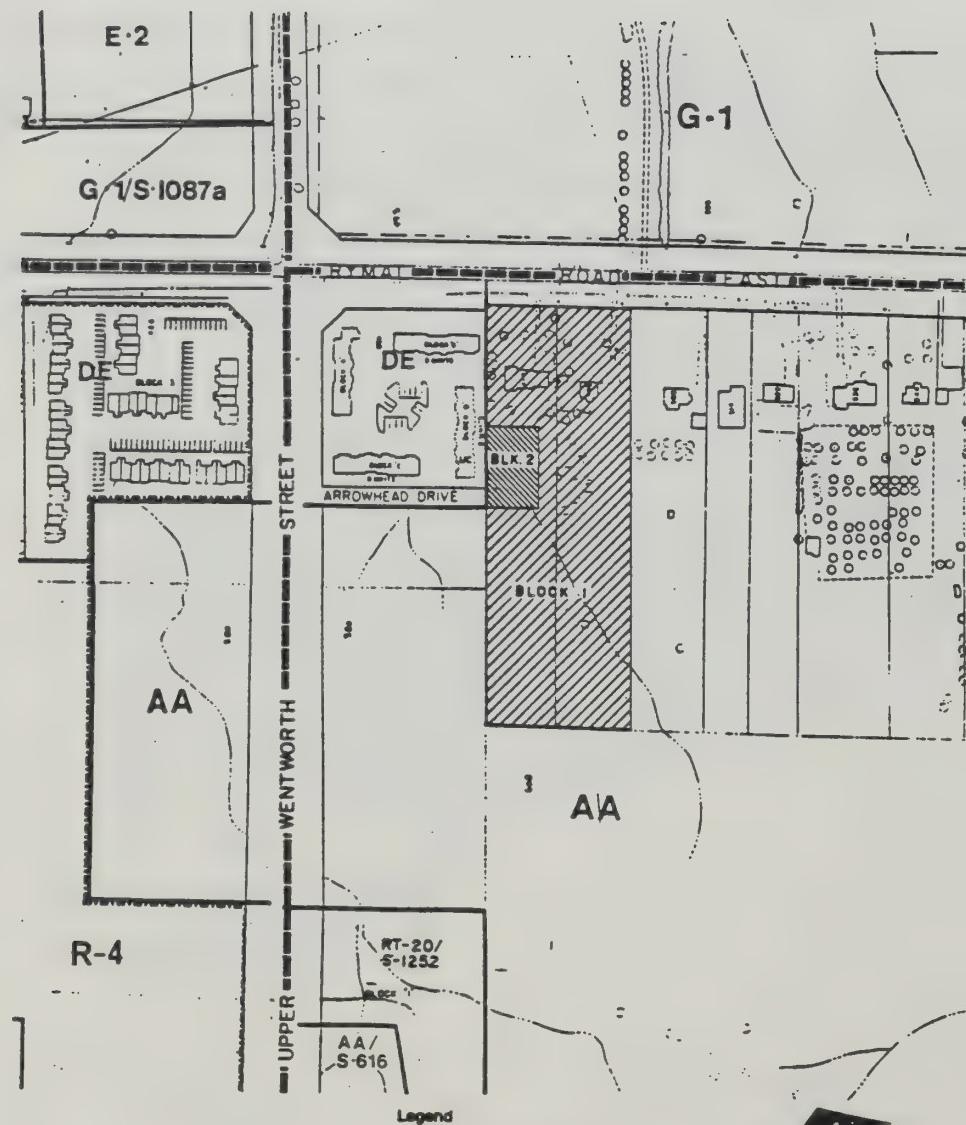


Legend



Site of the Application

Appendix "B" as referred
to in Section 2 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 Sept. 22

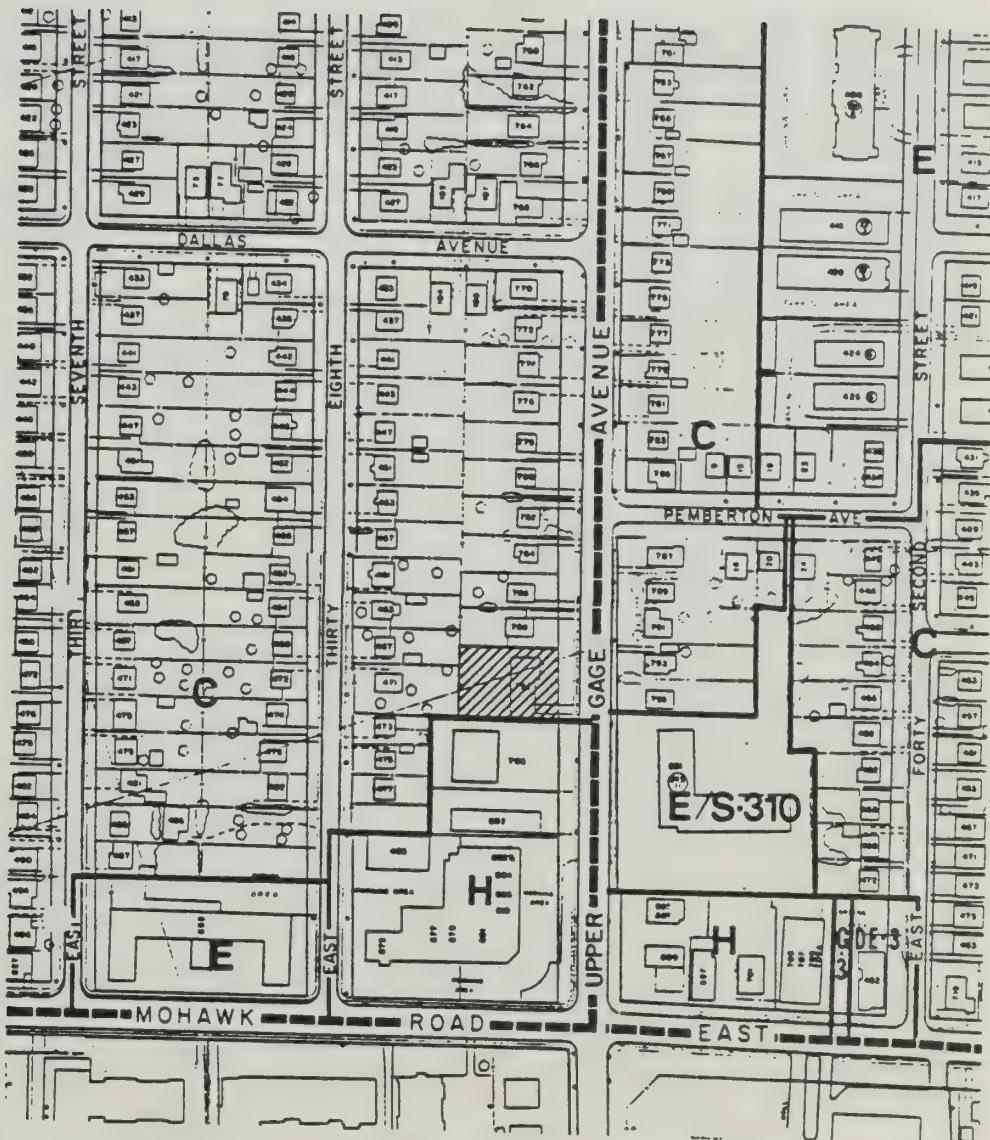


Proposed Changes in Zoning From "AA" (Agricultural) District to:

BLOCK 1 [diagonal lines] "B-2" (Suburban Residential) District.

BLOCK 2 [vertical lines] "C" (Urban Protected Residential, etc.) District.

Appendix "C" as referred to
in Section 4 of the Minutes
of The Planning and
Development Committee
Meeting held 1993 Sept. 22



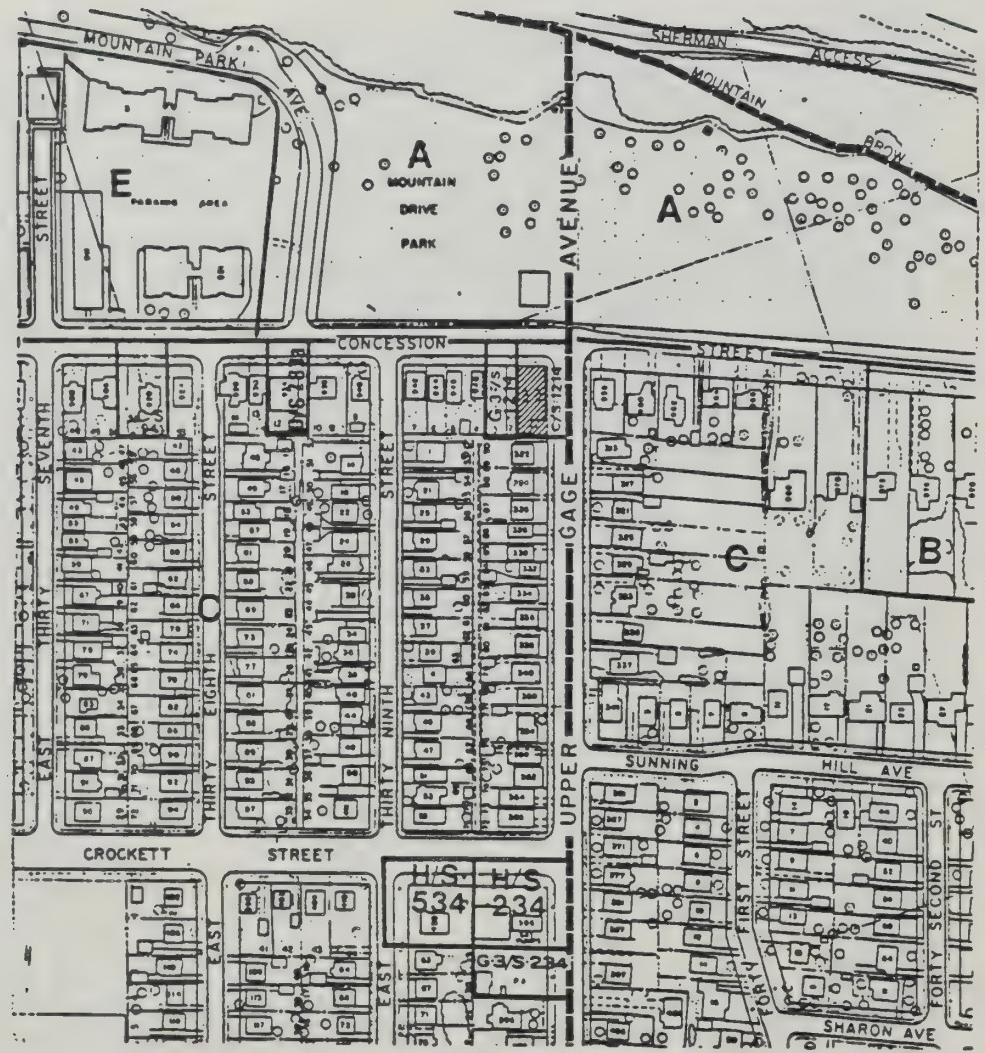
Legend



Site of the Application



**Appendix "D" as referred
to in Section 5 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 Sept. 22**



Legend



Site of the Application

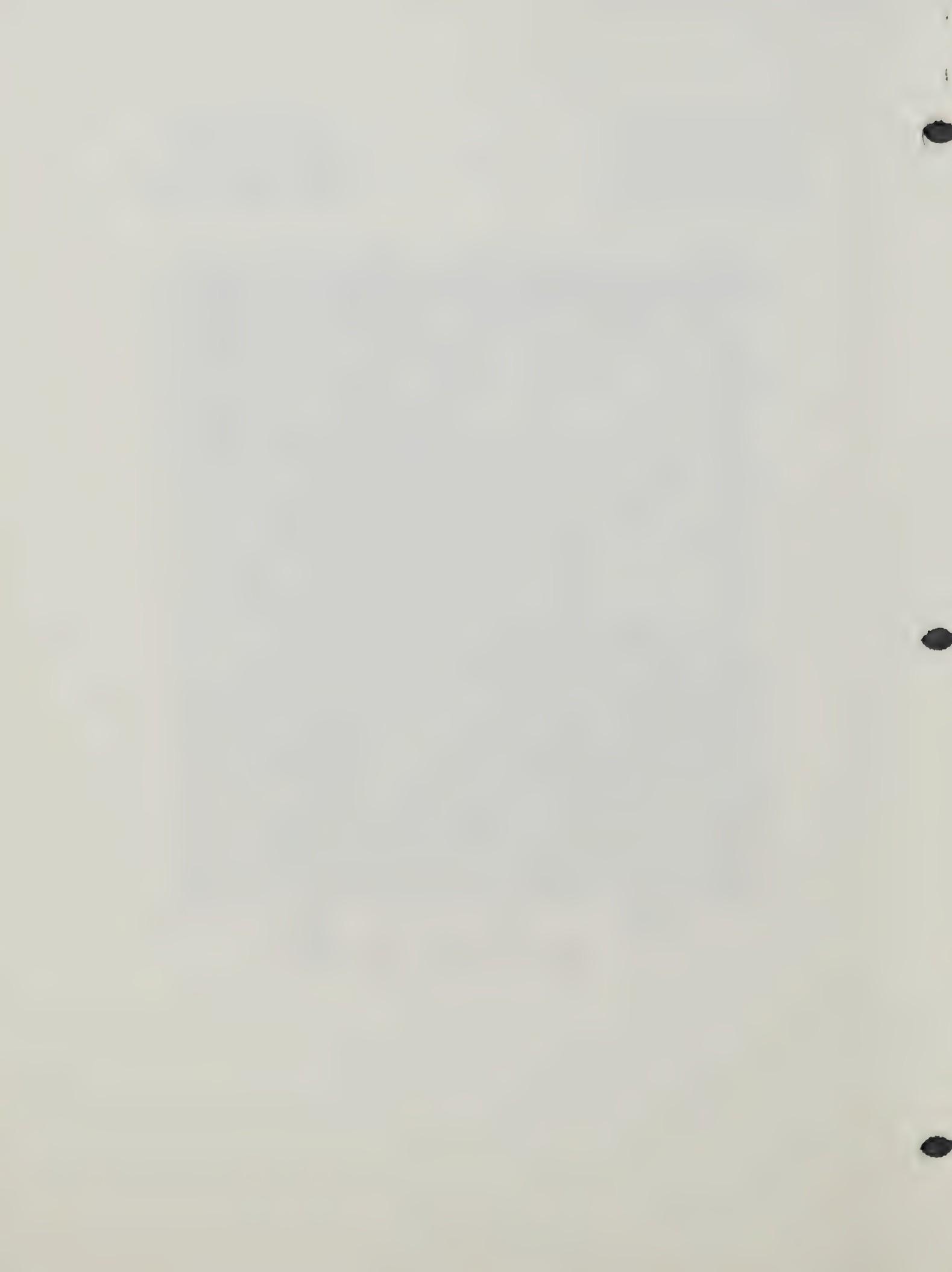
**Appendix "E" as referred
to in Section 7 of the
Minutes of The Planning
and Development Committee
Meeting held 1993 Sept. 22**



Legend

Site of the Application

12



B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 September 22

RECEIVED

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

SEP 2 1993

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

CITY CLERKS

SUBJECT: St. Clair Avenue Heritage District Advisory Committee
- Appointment of Members

RECOMMENDATION:

- a) That the following residents of the St. Clair Heritage District be appointed to the St. Clair Heritage District Advisory Committee:

Donald Quick, 129 St. Clair Avenue
Zigmunt Cwierdzinski, 131 St. Clair Avenue

- b) That John Mokrycke be appointed as the Local Architectural Conservation Advisory Committee's representative on the St. Clair Heritage District Advisory Committee.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The original St. Clair Avenue Heritage District Advisory Committee appointed by City Council in 1986 was comprised of six members (five property owners within the District and one LACAC representative). Since the last regular meeting in 1987, two of the appointed members have moved from St. Clair Avenue and Gil Simmons, the LACAC representative at the time, has since resigned from the Committee.

The remaining members of the Advisory Committee are recommending the appointment of Dr. Quick and Mr. Cwierdzinski and the Local Architectural Conservation Advisory Committee at its meeting held 1993 September 13 approved their recommendation and recommended a replacement LACAC member.

cc Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department



CITY OF HAMILTON
- RECOMMENDATION -

C(a)i.
RECEIVED
SEP 28 1993

DATE: September 28, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1328 UPPER WELLINGTON STREET - Tag Number 90438
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **1328
UPPER WELLINGTON STREET.**

L.C. King, P. Eng.


LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

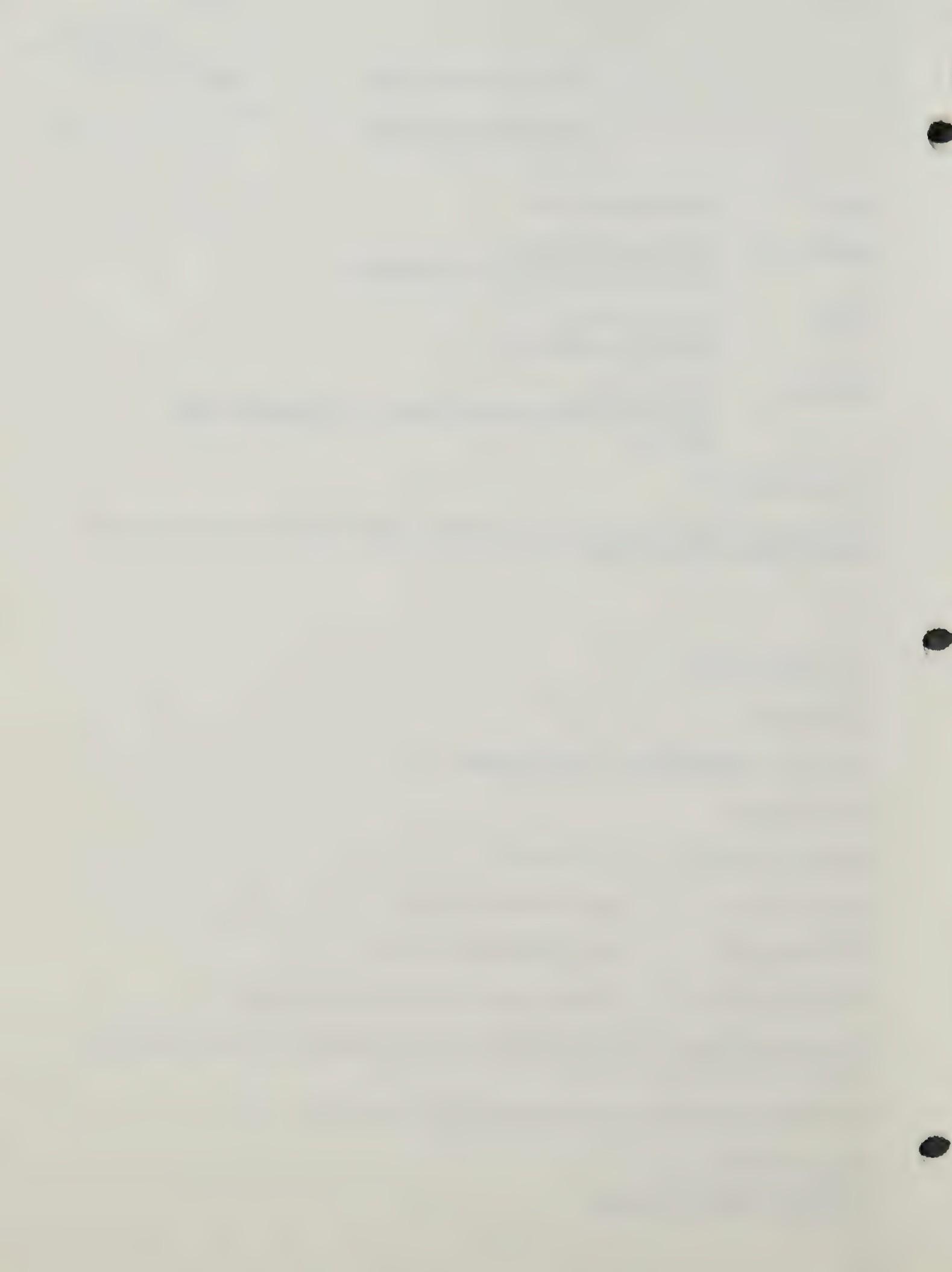
PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey wood frame insul brick dwelling

The owner wishes to demolish the building so he can erect a new one. No LACAC interest. Lot size 44.2' x 495'.

The owner of the property as per the demolition permit is:

Mr. V.G. Stoker
22-262 Kenora Avenue
Hamilton, Ontario L8E 3Y3



CITY OF HAMILTON

- RECOMMENDATION -

Qa) ii
RECEIVED
SEP 28 1993

DATE: September 28, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
70 CHESTNUT AVENUE - Tag Number 90460
(93.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **70 CHESTNUT AVENUE.**

L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: 2½ storey frame insul brick house

Owner wishes to demolish the building as it was partially gutted by fire and is now boarded up (see pictures). No LACAC interest. Lot size 23' x 93'.

The owner of the property as per the demolition permit is:

Ms. Lucy Tonn
41-1115 Paramount Drive
Stoney Creek, Ontario L8J 1P6



C(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 30, 1993

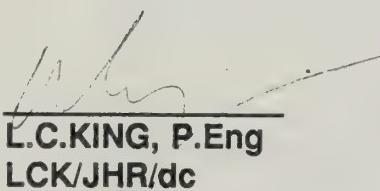
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
326 OTTAWA STREET NORTH (93.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of fifteen thousand dollars (\$15,000) be approved for Mary Elisabeth Keir and Michael Allen Keir. The interest rate will be 2 7/8 per cent amortized over 10 years.


L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 326 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

**Tina Agnello, Secretary
Planning and Development Committee**

- 2 -

September 30, 1993

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Mary Elisabeth Keir and Michael Allen Keir for improvements to 326 Ottawa Street North in the amount of \$15,000. The loan will be amortized over a 10 year period at 2 7/8 per cent interest. The monthly payments will be \$143.99 and will be secured by a Promissory Note and a lien registered on title.

**c.c. R. Camani, Treasury Department
D. Powers, Legal Department**

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 September 22
(PLC-H-93-4)

RECEIVED

SEP 23 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

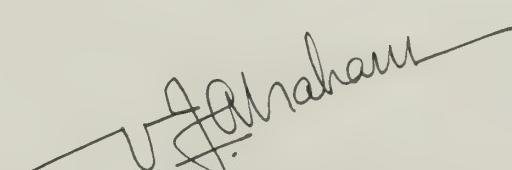
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Application to remove part-lot control from Lots 2-30,
inclusive, "Rymal Square Estates, Phase IV" subdivision.

RECOMMENDATION:

- a) That the request of Mark A. Scholes, Solicitor for Rymal Square Development Inc. (Arthur Weisz, President), to remove part-lot control from Lots 2-30, inclusive, "Rymal Square Estates, Phase IV" plan of subdivision, 62M-743, be approved;
- b) That the attached by-law to remove part-lot control from Lots 2-30, inclusive, "Rymal Square Estates, Phase IV" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Mark A. Scholes, Solicitor for Rymal Square Development Inc. (Arthur Weisz, President), is proposing to establish maintenance easements for 29 small lots by temporarily removing part-lot control. The easements will allow the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Location

The lands are located to the north of Rymal Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

VJA/r1
Attach.

SCHEDULE "K"

42

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 93-

To Remove

Land within the Rymal Square Estates, Phase IV Subdivision, Plan 62M-743
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:
Lots 2-30, inclusive, within Registered Plan Number 62M-743, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.
(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1993.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1993.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 September 29

REPORT TO: Members of the Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **INFORMATION ITEMS**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- Commissioner of Planning and Development - Site Plans for Approval dated 1993 September 29.

D. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

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